

# EXHIBIT 9

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CARLOS GOODEN,

Plaintiff,

v.

THE UNIVERSITY OF HOUSTON  
SYSTEM and THE UNIVERSITY  
OF HOUSTON-DOWNTOWN,

Defendant.

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\* Civil Action

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No. 4:23-cv-01987

ORAL DEPOSITION

OF

CARLOS GOODEN

Friday, January 26, 2024

REMOTELY REPORTED

ORAL DEPOSITION OF CARLOS GOODEN, produced as  
a witness at the instance of the Defendants, and duly  
sworn, was taken in the above-styled and numbered cause  
on Friday, January 26, 2024, from 10:05 a.m. to  
5:18 p.m., before Debbie D. Cunningham, CSR in and for  
the State of Texas, remotely reported via Machine  
Shorthand, pursuant to the Federal Rules of Civil  
Procedure.

--ooOoo--

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ALSO PRESENT:

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Philip Gutierrez

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(Friday, January 26, 2024, 10:05 a.m.)

P R O C E E D I N G S

THE REPORTER: Today's date is Friday, January 26, 2024. This is the oral deposition of Carlos Gooden in the matter of Carlos Gooden versus the University of Houston System and University of Houston Downtown, and it is being conducted remotely via Zoom videoconferencing platform. We are on the record at 10:05 a.m. Central Standard Time.

My name is Debbie Cunningham; and my business address is 9901 Brodie Lane, Austin, Texas 78748.

Would all persons present please introduce themselves for the record, beginning with Plaintiff's Counsel?

MS. OWENS: My name is Rochelle Owens. I'm here on behalf of the Plaintiff, Dr. Carlos Gooden.

MR. CONTRERAS: My name is Jason Contreras, here on behalf of Defendants.

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1 CARLOS GOODEN,  
2 having been duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. CONTRERAS:

5 Q. Hello. Good morning, Mr. Gooden. My  
6 name is Jason Contreras. You understand that  
7 I'm the attorney for the Defendants that you've  
8 sued in your lawsuit, right?

9 A. I do.

10 Q. Okay. And are you currently at the  
11 Moore & Associates law firm -- law office in  
12 downtown Houston?

13 A. I am.

14 Q. Okay. Thank you.

15 MR. CONTRERAS: So I just sent  
16 over Exhibit 1. It's the Deposition Notice for  
17 today.

18 (Exhibit 1 marked.)

19 Q. (BY MR. CONTRERAS) That's just a  
20 notice telling you about the deposition today  
21 that -- for your deposition. So that's all  
22 that is for Exhibit 1.

23 Just a couple of things I'd like  
24 to go over so that today's deposition goes as  
25 smoothly as possible. Okay?

1                   **First of all, you understand**  
2   **that you're under oath, even though we're not**  
3   **in a courtroom, right?**

4           A.     (No audible response.)

5                   MR. CONTRERAS: Hello. Can you  
6 hear me? Did my audio go out? Can you hear  
7 me?

8                   THE REPORTER: I can hear you.

9                   MR. CONTRERAS: Okay.

10           **Q.     (BY MR. CONTRERAS) Mr. Gooden, so**  
11 **you understand that you're under oath, even**  
12 **though we're not in a courtroom, right?**

13           A.     (No audible response.)

14                   THE REPORTER: I'm not hearing  
15 the witness.

16                   MR. CONTRERAS: Yeah. Melissa,  
17 is there -- maybe the audio got turned off  
18 or -- I'm sorry -- Rochelle? Sorry. Rochelle.

19                   (No audible response.)

20                   MR. CONTRERAS: Oh, I think  
21 they're having some internet problems or  
22 something.

23                   THE REPORTER: Do you want me to  
24 take us off the record while we resolve this?

25                   MR. CONTRERAS: Yeah, real



1 quick. That'd be good.

2 THE REPORTER: We're going off  
3 the record at 10:08 a.m.

4 (Off the record from 10:08  
5 to 10:14 a.m.)

6 THE REPORTER: We're back on the  
7 record at 10:14 a.m.

8 MR. CONTRERAS: Okay. Great.

9 Q. (BY MR. CONTRERAS) All right. Just  
10 picking up from the beginning again, good  
11 morning, Mr. Gooden. Thank you for your time  
12 today.

13 You understand that I'm the  
14 attorney for Defendants that you've brought a  
15 suit against in this lawsuit, right?

16 A. Yes, I do.

17 Q. Okay. Great. Just to go over a  
18 couple of things so that today's depo goes as  
19 smoothly as possible, first of all, Mr. Gooden,  
20 you understand that you're under oath even  
21 though we're not in a courtroom, right?

22 A. Correct, I do.

23 Q. Okay. And you also understand that  
24 if you don't tell the truth under oath, that  
25 you can be criminally prosecuted for perjury,

1 right?

2 A. Correct.

3 Q. So it's easier to read the transcript  
4 that we get out of the deposition, if you could  
5 please wait for me to get my full question out  
6 before you answer, that way the transcript will  
7 read smoother. Okay?

8 A. Absolutely.

9 Q. Also, please answer with a verbal  
10 response versus a nonverbal response, such as a  
11 nod of the head, just as an example. Okay?

12 A. Noted, yes.

13 Q. Okay. And if I ask you a question  
14 that you do not understand, will you let me  
15 know?

16 A. I will.

17 Q. Okay. Thank you.

18 And if I ask you a question and  
19 you answer it, would it be fair to assume that  
20 you understood the question?

21 A. That's fair, yes.

22 Q. Okay. Are you taking any kind of  
23 medication today that would impair your ability  
24 to testify truthfully today?

25 A. No, I'm not.

1 Q. Okay. Is there any reason why you  
2 can't give me your best and truthful testimony  
3 today?

4 A. No, there are no reasons.

5 Q. Okay. So just a couple of acronyms,  
6 just to make it easier, versus having to say  
7 the whole name out, you understand if I say  
8 "UHS," I'm referring to the University of  
9 Houston System, right?

10 A. Yes.

11 Q. And if I say "UHD," I'm referring to  
12 University of Houston-Downtown, right?

13 A. Yes.

14 Q. Okay. And because you've sued both  
15 of those entities, if I say "Defendants," you  
16 understand that I'm referring to both UHS and  
17 UHD, right?

18 A. Yes.

19 Q. Okay. And there's a name that's  
20 going to come up a lot, Charles Gengler, in the  
21 deposition.

22 MR. CONTRERAS: Just for the  
23 court reporter, that's G-E-N-G-L-E-R.

24 Q. (BY MR. CONTRERAS) So I'm just going  
25 to say "Gengler." And if I say "Gengler," you

1 understand that I'm referring to former Dean of  
2 the College of Business, Charles Gengler,  
3 right?

4 A. Correct.

5 Q. Okay. And, also, one last thing is  
6 if I say "your job" or "the job" and I'm  
7 referring to you, you understand that I'm  
8 referring to your position as Executive  
9 Director of Graduate Business Programs at UHD,  
10 correct?

11 A. Correct.

12 Q. Okay. So, first of all, how did you  
13 hear about the Executive Director job in the  
14 first place?

15 A. I want to say either on LinkedIn or  
16 higheredjobs.com. It was a job posting  
17 announcement on a job board that I saw.

18 Q. Okay. And what was the particular  
19 reason why you were interested in the job when  
20 you saw the posting?

21 A. Absolutely. I was looking to get  
22 into graduate admissions. I had experience  
23 working in similar environments over MBA  
24 recruitment, as well as looking to relocate out  
25 of the Chicago area, closer to the south; and

1 so it really aligned with my career goals, my  
2 career skills and competencies, and just where  
3 I wanted to sort of like live long term.

4 Q. Okay. And so you worked in the  
5 university/academic environment prior to coming  
6 to UHD for how long, 10, 13, 14 years?

7 A. That is pretty accurate, yes.

8 Q. Okay. So by the time you came to  
9 UHD, you had had significant experience working  
10 in universities in admission programs, right?

11 A. Correct.

12 Q. So at the time when you learned about  
13 the job, you were employed by Xavier  
14 University; is that correct?

15 A. That is not correct. Can you repeat  
16 that question?

17 Q. Oh, well, let me just ask you this:  
18 At the time that you applied for the Executive  
19 Director job at UHD, who was your employer?

20 A. Chicago State University.

21 Q. Oh, okay. Chicago State. Got it.

22 And how long had you worked for  
23 Chicago State University?

24 A. At the time that I applied?

25 Q. Yes.

1 A. At the time that I applied, it would  
2 have been approximately a year and a month, a  
3 year and two months.

4 Q. Okay. So then you applied, and you  
5 were hired for the Executive Director position.  
6 And so that involved relocating from Chicago to  
7 Houston, right?

8 A. That is correct.

9 Q. And when you applied for the  
10 position, you filled out a job application for  
11 the position, along with your CV and a letter  
12 of interest, right?

13 A. That is correct.

14 MR. CONTRERAS: I'm going to go  
15 ahead and introduce Exhibit Number 2, and I'll  
16 go ahead and shoot it over on Zoom.

17 Would it be easier if I just  
18 e-mail -- or I just send it over chat and then  
19 I'll just screen share after I send it and then  
20 everyone will have it? I think that will be  
21 the best way.

22 THE REPORTER: Yes.

23 MR. CONTRERAS: Oh, do you need  
24 me to resend the depo notice again?

25 MS. OWENS: It's fine.

1 MR. CONTRERAS: Okay. I'm  
2 shooting over Exhibit Number 2, Mr. Gooden's  
3 job application materials.

4 (Exhibit 2 marked.)

5 MR. CONTRERAS: And let me just  
6 open it up.

7 Q. (BY MR. CONTRERAS) Okay. Along with  
8 filling out the application, your CV, and your  
9 letter of interest, was there anything else  
10 that you submitted, Mr. Gooden, in support of  
11 your application for the position?

12 A. I think it's important to note that  
13 the position posted originally in March and I  
14 applied at that time, in March, and then the  
15 search concluded. They cancelled the search,  
16 essentially. And I received a notification in  
17 March that said, "This position is no longer  
18 posted; however, we encourage you to seek  
19 additional opportunities at the University of  
20 Houston-Downtown."

21 The position then reposted  
22 about a month later, in April or May. So,  
23 technically, I applied twice. At that time,  
24 in April or May, the description for the  
25 position in the posting had changed slightly,

1 specifically related to, I believe, the job  
2 requirements.

3 So I would have at that time  
4 submitted two applications with supplemental  
5 materials. So I think that will determine  
6 what -- they will be relatively identical,  
7 but...

8 Q. Okay. Let me just show you what I  
9 have marked as Exhibit 2. And whether this was  
10 your first application or your second, would  
11 you agree that this is basically the same  
12 format and information that was provided by  
13 you, correct? And this one is a total of 19  
14 pages. So I'll just kind of scroll through it  
15 slowly for you to see.

16 A. I can't read it. It looks like what  
17 would have been, but...

18 Q. Okay. I'm blowing it up. Is that  
19 better?

20 A. That would not have been my  
21 application for the role.

22 Q. Okay.

23 A. My address listed there is my Houston  
24 address, which means -- I didn't have a Houston  
25 address when I applied for the role.



1 Q. Okay. Got it.

2 All right. Well -- so then this  
3 is some -- this is information that came from  
4 your personnel file, I believe; but I think  
5 I'll get to the application part of it here.

6 Can you read this screen right  
7 here, this page?

8 A. Yes.

9 Q. Okay. Whether it was part of your  
10 application or not, this was information that  
11 you would have provided to the University in  
12 your application materials, right?

13 A. That is, yes.

14 Q. Okay. Experiences, credentials,  
15 education, work experience.

16 Okay. So it has here Xavier  
17 University, University of Louisiana. You  
18 mentioned you were working for Chicago State  
19 University, and I don't see that -- there it is  
20 right there. Is that it right there,  
21 University of Chicago Booth School of Business?

22 A. University of Chicago, yes.

23 Q. Okay. And do you remember answering  
24 some questions in a questionnaire format when  
25 you applied?

1 A. I mean, I would not remember at this  
2 time; but we can certainly review it.

3 Q. Okay. Yes. Can you read this page  
4 where it says Questionnaire, Disqualification  
5 Questions?

6 A. Maybe if we zoom in. I can't quite  
7 see it.

8 Q. Can you see it now?

9 A. Yes.

10 Q. Okay. There we go.

11 So there were several questions.  
12 "If hired, are you legally authorized to work  
13 in the U.S.?" You put, "Yes." Do you see  
14 that?

15 A. Correct.

16 Q. Okay. Number 2 -- I don't think I  
17 need to go through all of them; but to the best  
18 of your recollection, these were questions that  
19 you answered in the application process,  
20 correct?

21 A. I would assume so.

22 Q. Okay. Question Number 2, I think  
23 that's about relatives, having any family  
24 members -- that answer is correct, right? Your  
25 answer was "No." That is a correct answer?

1           A.     That I do not have any family  
2 members, blood or marriage, serving -- that is  
3 accurate, yes.

4           Q.     Okay. A similar question,  
5 Number 3 -- I don't think we need to go to that  
6 one.

7                         Number 4, criminal history.

8                         Number 5, "Have you ever been  
9 discharged, fired, or asked to resign from a  
10 position?" And there was no answer to that  
11 one, see?

12          A.     Sure.

13          Q.     Can you see where the columns --  
14 well, let me just --

15                         MR. CONTRERAS: For the record,  
16 the questionnaire is in columns; and there's  
17 three total columns. One is the answer -- or  
18 one is the answer, the second column -- I'm  
19 sorry. The first column is the question. The  
20 second column is the answer. The third column  
21 says "Results."

22          Q.     (BY MR. CONTRERAS) So it would be in  
23 the second box there to provide an answer. Do  
24 you see that, Mr. Gooden?

25          A.     I do.

1 Q. Okay. So back to Question Number 5,  
2 it doesn't look like there was an answer  
3 provided to this question. So let me ask you  
4 this question: Have you ever been discharged,  
5 fired, or asked to resign from a position?

6 A. No.

7 Q. Okay. Any reason that you can recall  
8 why that answer, "No," wasn't provided?

9 A. No.

10 Q. Do you know if you had to compete  
11 with others for the Executive Director  
12 position?

13 A. I believe so, yes. I mean, it was a  
14 job search process, yes.

15 Q. Okay. Did it show on LinkedIn how  
16 many other applicants, if you recall seeing  
17 the -- because I know that's information that  
18 will show on a job posting?

19 A. I cannot recall that far back.

20 Q. Okay. And so what was the next step  
21 after you applied? Were you contacted by  
22 someone at the university, indicating their  
23 interest in you; or what do you recall happened  
24 next after you submitted your application?

25 A. Correct. Well, the second time, yes,

1 I would have been contacted by the search  
2 chair, the hiring committee chair, to schedule  
3 a phone interview.

4 **Q. Okay. And who was that person?**

5 A. Verma Rahul [sic.]

6 **Q. Can you spell that just for the court**  
7 **reporter's benefit?**

8 A. Off the top of my head, no. I can  
9 look it up, possibly. He's a professor in  
10 Finance.

11 **Q. We can get that by the end of the**  
12 **deposition to make sure we get the name right.**

13 **Okay. So you were contacted.**  
14 **And was there an interview requested, or was it**  
15 **just like an informal phone conversation? What**  
16 **do you remember?**

17 A. There was a phone interview with the  
18 hiring committee with Verma and maybe about  
19 five individuals.

20 **Q. Was one of those individuals Gengler?**

21 A. Not for the phone interview.

22 **Q. Okay. Who were the individuals then**  
23 **on the phone interview?**

24 A. To the best of my knowledge, right --  
25 this was a while ago -- it would have been

1 Verma Rahul [sic]; Dianca Chase; Maxine Todd.  
2 They're on the tip of my tongue, but that might  
3 be as far as I can definitively and objectively  
4 say. There were about five individuals. There  
5 might have been someone from CPS, right? But,  
6 I mean, I'm sure it's documented. The hiring  
7 committee has to submit information to Tamika  
8 Small within the university. So that  
9 information, I think, can be captured.

10 **Q. Sure. Got it.**

11 **And so what happened after the**  
12 **phone interview that you recall?**

13 A. Sure. There was about a week or two  
14 period, and then I was notified that I advanced  
15 to a second round.

16 **Q. Okay. And what happened in the**  
17 **second round?**

18 A. The second round consisted of a video  
19 interview with the hiring committee again; and  
20 then, after that, there was a meeting with the  
21 Dean and the Associate Dean.

22 **Q. Okay. And the Dean was Charles --**  
23 **was Gengler, right?**

24 A. Correct.

25 **Q. And the Associate Dean was Justo**

1 **Manrique?**

2 A. That is correct.

3 **Q. Okay.**

4 MR. CONTRERAS: And just for the  
5 court reporter's benefit, the first name is  
6 Justo, J-U-S-T-O, Manrique, M-A-N-R-I-Q-U-E.

7 **Q. (BY MR. CONTRERAS) Justo Manrique is**  
8 **from Peru, right?**

9 A. I would not be able to speak to that.

10 **Q. Oh, you don't know? Okay.**

11 He speaks with an accent,  
12 though, right, when you talk to him?

13 A. That could be said, yes.

14 **Q. Okay. And so then, how did the video**  
15 **interview go?**

16 A. It was scheduled to be for 30  
17 minutes; and it went for about 45 minutes to an  
18 hour, which I interpreted to be a good thing.  
19 We talked about a variety of different things.

20 **Q. Okay. Great.**

21 And then was there a job offer  
22 made after that, or what was the next step?

23 A. The next step that I recall, yes,  
24 about maybe two or three weeks after that, I  
25 received a job offer and call from Human

1 Resources -- or at the time, they were called  
2 ESO, Employment Services Operations.

3 Q. Okay. So I think I have that.

4 MR. CONTRERAS: So I'll just  
5 introduce that as Exhibit 3. Give me one  
6 second. I'll send it over the chat to  
7 everybody.

8 (Exhibit 3 marked.)

9 Q. (BY MR. CONTRERAS) I'll go ahead and  
10 screen share the job offer just to go over and  
11 confirm that that's what that was.

12 Let me see if I can enlarge it.  
13 Can you read this?

14 A. No.

15 Q. Okay. Can you see at the top that it  
16 says UHD?

17 A. I can, yes.

18 Q. Okay. Is that lettering too small?  
19 Do you need me to enlarge it?

20 A. I think we're fine. I think it  
21 depends on what we're looking at.

22 Q. Okay. Let me see if I can just try  
23 to enlarge it one more time.

24 That was your address at the  
25 time when you received the job offer, correct,



1 in Chicago?

2 A. Correct.

3 Q. Okay. And you can see here that, "We  
4 are pleased to extend an offer of employment to  
5 you as Executive Director" -- and I can't get  
6 the whole page on one screen because of space  
7 limitations; but does this appear to be that  
8 job offer?

9 A. It looks like something I would have  
10 received, yes.

11 Q. And then it does say at the top  
12 eOffer Acceptance Form. So it was something  
13 that you received electronically, like, through  
14 an e-mail attachment, right?

15 A. Correct. I think it was, like, a  
16 portal, maybe, that I had to sign back into;  
17 and there were maybe, like, a few deliverables  
18 for me to then click. So I believe I signed in  
19 with, like, my user name and password that I  
20 used to apply.

21 Q. Right. Okay. Got it.

22 So you kind of had to log into  
23 UHD's portal to access this information, right?

24 A. If I recall correctly, yes.

25 Q. And this is a correct indication of

1 your starting salary, \$103,375.08 annually?

2 A. That is correct.

3 Q. And is this a correct description of  
4 your job duties and responsibilities?

5 A. That is --

6 (Simultaneous speakers.)

7 A. I mean, to the best of my  
8 recollection. That's a lot of information to  
9 agree to in a zoom (laughing.)

10 Q. I know.

11 A. But, I mean, from what I can see,  
12 yes; but I'm not sure, like, that is exactly  
13 what I received.

14 Q. Okay. And, you know, I'm not trying  
15 to slip anything in or trick you at all. I'm  
16 just saying that, to the best of your  
17 recollection, the job offer included a  
18 description of your job duties and  
19 responsibilities, right?

20 A. Yes.

21 Q. And it says your position works  
22 directly with executive, administrative, and  
23 academic leadership of the college, right?

24 A. We will go with that, sure.

25 Q. I'm trying to see if I can highlight

1 it. Well, shoot. Sometimes it lets me  
2 highlight, and now it's not letting me.

3 Can you see this highlighted  
4 part where I'm highlighting it?

5 A. Yes.

6 Q. That's the reference that I just  
7 asked you. Can you see the sentence, "The  
8 Executive Director works directly with the  
9 executive administrative and academic  
10 leadership of the college"?

11 That's a correct statement,  
12 right?

13 A. Yes.

14 Q. And then it further states, "Under  
15 the Dean's direction and support the Executive  
16 Director interfaces with multiple internal  
17 partners across campus in addition to external  
18 partners and is the primary liaison and leader  
19 of all marketing projects for the college."

20 Would that be a correct  
21 statement of your job, at least in part?

22 A. Generally, yes.

23 Q. Okay. Would it be correct to say  
24 that the Dean of the College of Business at  
25 that time, Gengler, is a position included in

1 the description of executive administrative and  
2 academic leadership?

3 A. Yes.

4 Q. Okay. So it says here that your  
5 direct report is Justo Manrique. Let me find  
6 that. Where is it? It's there somewhere.

7 Now, Justo Manrique -- we  
8 mentioned him earlier -- he's the Associate  
9 Dean, right?

10 A. Correct.

11 Q. And is he still there?

12 A. He is.

13 Q. Okay. There it is. Okay. "This  
14 position reports to Justo Manrique." Do you  
15 see that?

16 A. I see it now.

17 Q. Okay. Are you making any claims  
18 against Justo Manrique in this lawsuit that he  
19 did or said anything in support of your claims?

20 A. Not at this time.

21 Q. Okay. Justo Manrique is a Hispanic  
22 male, correct?

23 A. That is correct, I would assume; but  
24 that -- I would say this -- having seen this,  
25 once I reported to campus, Justo Manrique was

1 not, is not, nor has ever been my supervisor.

2 Q. Okay. So is it to your understanding  
3 that Gengler was your direct supervisor when  
4 you began the job?

5 A. Correct.

6 Q. Former Dean Gengler?

7 A. Correct.

8 Q. Then who was Gengler's boss, or who  
9 did Gengler report to at that time?

10 A. I think we would likely have to ask  
11 UHD; but my best guess would be the provost,  
12 Akif Uzman.

13 Q. Okay. Akif Uzman is a White male,  
14 right?

15 A. You would have to ask UHD.

16 Q. You don't make the assumption based  
17 upon appearance what their nationality or race  
18 is, correct?

19 A. I'm not sure.

20 Q. Well, do you or don't you?

21 A. I think in this case, there's an  
22 objective answer, one that could be provided  
23 through the system. Like, we have access to  
24 the information. So I'm not sure if it would  
25 be helpful or what I can do to answer that, but

1 I don't know.

2 Q. Okay. So then you wouldn't be able  
3 to say just objectively by Akif Uzman's  
4 appearance that he's a White male?

5 A. I'm not sure. I've met him two  
6 times.

7 Q. Okay. So back to the job offer  
8 letter, it was sent from Tamika Small,  
9 Coordinator with Talent Acquisition. Was  
10 Tamika Small involved in any of the interviews  
11 or the meetings?

12 A. No.

13 Q. Was Gengler involved in the hiring  
14 decision to offer you the job position?

15 A. I am not sure.

16 Q. Well, to the best of your  
17 recollection, who were the individuals that  
18 were present? So you mentioned that in one of  
19 the interviews, it was yourself, Gengler, and  
20 Justo Manrique?

21 A. Correct.

22 Q. Was that the first interview, or was  
23 that the second one?

24 A. That was during the second interview  
25 that we had.

1 Q. Okay. And tell me if I got it wrong;  
2 but that second interview, was that in person  
3 or on Zoom or virtual?

4 A. It was Zoom.

5 Q. Okay. So prior to receiving the job  
6 offer, had you ever visited the UHD campus?

7 A. I had not.

8 Q. Okay. So no fear. You didn't know  
9 if you were going to actually like the campus  
10 or not. You were interested enough in the  
11 position to accept the job, right?

12 A. That is correct.

13 Q. And when you were hired, you were  
14 advised by Defendants of all University  
15 policies, including the right to file a  
16 discrimination complaint, correct?

17 A. Yes, I would assume at orientation;  
18 and then we had to complete a bunch of  
19 trainings.

20 Q. Okay. And, obviously, a lot -- I'm  
21 sorry go ahead.

22 A. Oh, yeah, at that time, correct,  
23 yeah. I think they had to be completed within  
24 30 to 60 days of employment.

25 Q. Okay. And, obviously, there's -- you

1 know, it's a big place. There's a lot of  
2 policies; but they, obviously, would have  
3 included policies that would have applied to  
4 you as an employee, right?

5 A. Correct.

6 Q. So with Dean Gengler as your direct  
7 supervisor, what types of work-related matters  
8 did you have with him on a routine basis?

9 A. In regards to...

10 Q. In regards to you fulfilling your job  
11 duties as Executive Director.

12 A. Mostly looking at the application  
13 functions for the MBA program, recruitment  
14 were sort of like top priority. Of course, we  
15 had a wide variety of conversations; but that  
16 was the Number 1 sort of like goal and  
17 priority.

18 Q. Okay. Those were kind of the major  
19 sort of aspects of the job that you were  
20 charged with?

21 A. Right.

22 Q. Okay. So let me go ahead and close  
23 this one. Let me see here.

24 On your biopage on UHD's  
25 website -- let me just pull that up.



1 MR. CONTRERAS: Exhibit 4 will  
2 be Mr. Gooden's UHD bio. I just sent that over  
3 to everybody.

4 (Exhibit 4 marked.)

5 Q. (BY MR. CONTRERAS) And now I'll just  
6 screen share it real quick.

7 Can you see your biopage on the  
8 screen, Mr. Gooden?

9 A. I can.

10 Q. Do I need to enlarge it at all?

11 A. Possibly. I mean, it depends on  
12 where we're headed in this document.

13 Q. Well, let me just ask you: Did  
14 you write your bio, the information contained  
15 under the two sections -- or three sections --  
16 Scope of Responsibilities, Educational  
17 Qualifications, and Professional Experience?  
18 Did you write that, or did somebody else write  
19 that for you -- or about you?

20 A. I'm not sure. I want to say it  
21 might have been a copy and paste from the  
22 description; but that was so long ago, like, I  
23 couldn't even tell you, like, how that  
24 populated. I know everyone at the university  
25 has one, so I'm not sure if it -- I wish I

1 could tell you.

2 Q. Okay.

3 A. I can't recall that.

4 Q. Okay. No problem. Just asking.

5 If you wanted to change  
6 something in it, do you know if you can contact  
7 someone and have them make a revision to the  
8 information on your biopage?

9 A. I'm sure that is possible.

10 Q. So, according to your bio, you have  
11 to work with the Dean of the College of  
12 Business on things, right?

13 A. Correct, yes.

14 Q. As well as, according to your job  
15 duties and responsibilities, working with the  
16 Dean is part and parcel of the position, right?

17 A. Correct.

18 Q. And as your direct supervisor,  
19 Gengler had the authority to assign you job  
20 tasks, correct?

21 A. Correct.

22 Q. Okay. And as your direct supervisor,  
23 Gengler had the authority to provide you  
24 guidance and instruction in the performance of  
25 your job, correct?

1 A. Correct.

2 Q. What about the Associate Dean, Justo  
3 Manrique, did he also have similar authority,  
4 even though he wasn't your direct report?

5 A. I'm not sure. Technically, I believe  
6 his title is Associate Dean of Undergraduate  
7 Initiatives; and then you have me in sort of  
8 Graduate Business Programs. So our work  
9 structure was unique in that sense. So I'm not  
10 sure. I don't believe he ever did.

11 Q. Okay. So it was primarily Gengler  
12 that was your direct report that would -- that  
13 you would report to, bottom line, right?

14 A. Correct.

15 Q. So we went over your job offer; and,  
16 as I mentioned earlier, your starting salary  
17 was \$103,375.08. During your job, you received  
18 at least one raise, right?

19 A. Correct.

20 Q. More than one?

21 A. No.

22 Q. Okay. When did you get that raise?

23 A. The University instituted a merit  
24 raise, I believe, of 2 percent across the board  
25 for staff who had been at the university for a

1 year and who had achieved a certain level of  
2 rating on their evals; and I want to say that  
3 was in August or September of this year --  
4 August or September of 2023. We're in 2024  
5 now, yeah.

6 Q. Okay. Got it.

7 And so based upon that raise,  
8 what is your current salary?

9 A. Somewhere around 105,000.

10 Q. Okay. And your position of Executive  
11 Director is a non-faculty, staff position,  
12 correct?

13 A. That is correct.

14 Q. All right. During your time there on  
15 the job, have you applied for any promotions?

16 A. No promotions, no.

17 Q. In your job as Executive Director,  
18 how many people do you supervise?

19 A. On a given average calendar, it could  
20 range anywhere from, I'll say, six to ten.

21 Q. And what would be those positions  
22 that you supervise?

23 A. Oh, gosh. It would be Coordinator of  
24 Graduate Services, Assistant Director of  
25 Graduate Services, Associate Director of

1 Graduate Business Program Services, and then  
2 Office Assistant, Administrative Assistant. We  
3 have two Graduate Assistants. And then for  
4 over a year and a half, I was also supervising  
5 Digital Communications Manager and then a host  
6 of, like, student workers.

7 **Q. Okay. So you have pretty substantial**  
8 **supervisory responsibilities, right?**

9 A. Oh, sure.

10 **Q. Okay. Who is -- was one of those**  
11 **persons you supervised Jamil Thorne?**

12 A. Correct.

13 **Q. Okay. But he's no longer working**  
14 **there, right?**

15 A. Correct.

16 **Q. Okay. And he was the Assistant**  
17 **Director of Graduate Studies?**

18 A. For most of the time we worked  
19 together, he was the Coordinator of Graduate  
20 Services. He received the Assistant Director  
21 title and then departed maybe two weeks later.

22 **Q. Okay. Was he already working there**  
23 **in the office, Graduate Business Programs; or**  
24 **did he come on board after you were hired?**

25 A. He was there before me.

1           Q.    Okay.  Would Jamil Thorne have any  
2   knowledge about any of the claims you're making  
3   in this lawsuit?

4           A.    Yes.

5           Q.    Okay.  Oh, a real quick question:  Do  
6   you know why he left?  Did he find a better  
7   job?

8           A.    Correct, he found a different job,  
9   among other things; but, yes, he did find  
10   another job (laughing.)

11          Q.    Okay.  Did he tell you the reason why  
12   he left?

13          A.    Yes.  We had a number of  
14   conversations, yes.

15          Q.    Okay.  And, I guess, just in a  
16   nutshell, what were his reasons for leaving?

17          A.    It was very much a hostile and toxic  
18   working environment.  It was before I got  
19   there.  It was when I got there.  And it  
20   continued to be; but, I think, to get, like,  
21   the full scope, you might have to ask Jamil.

22          Q.    Okay.  So the allegations in your  
23   lawsuit of inappropriate comments were made by  
24   Gengler, correct?

25          A.    Correct.

1 Q. Okay. Is there anyone else at UHS or  
2 UHD that you allege made inappropriate comments  
3 to you or about you based on your race or  
4 sexual orientation?

5 A. No.

6 Q. Are you alleging in this lawsuit that  
7 somebody employed by Defendants either directed  
8 or encouraged Gengler to make inappropriate  
9 comments about your race or sexual orientation?

10 A. Directly encouraged?

11 Q. Yes.

12 A. Not directly encouraged, no.

13 Q. Okay. So are you suggesting that  
14 there was an indirect -- indirectly -- that  
15 Gengler was indirectly encouraged by others at  
16 the university to make inappropriate comments  
17 that were either racist or sexist against your  
18 sexual orientation?

19 A. I think that's fair, yes.

20 Q. Okay. Can you explain that?

21 A. I think that, you know, there have  
22 been several claims of Gengler's conduct in the  
23 workplace, several of which have gone to Human  
24 Resources; and several have gone to Title IX.  
25 And each time that they're brought up, the

1 University continued to allow that behavior to  
2 continue on and perpetuate it.

3 And despite reforms, he  
4 continued to create a hostile working  
5 environment and bullying and harassing. And so  
6 I think employees were continuing to surface  
7 things to the University; but by not properly  
8 addressing, that's how they were non-directly  
9 encouraging and continuing to promote and  
10 foster a hostile working environment.

11 MR. CONTRERAS: Objection,  
12 nonresponsive portion.

13 **Q. (BY MR. CONTRERAS) Okay. But my**  
14 **question to you is: Can you identify any**  
15 **individual by name that would have been**  
16 **involved in that indirect encouragement to**  
17 **Gengler?**

18 A. I would say those individuals within  
19 the Title IX office as well as in Human  
20 Resources. So whether you want me to state --  
21 I don't know who the prior Title IX Coordinator  
22 would have been. Ivonne Montalbano, right?  
23 Arguably, Akif Uzman would have also received  
24 information related to these items that I'm  
25 referring to. Even, I mean -- yeah.



1 Q. Okay. So, basically, the bottom line  
2 in a nutshell is what you were saying is that  
3 these other individuals had knowledge of prior  
4 allegations and complaints against Gengler; and  
5 by failing to act, indirectly encouraged  
6 Gengler's behavior. Is that right?

7 A. Correct.

8 Q. So would it be fair to say that in  
9 order for someone to make improper comments  
10 about your homosexuality, okay, that person  
11 would have to first know that you're  
12 homosexual, correct?

13 A. Correct -- well, yes and no.

14 Q. Okay. Well, how do you explain that?

15 A. Well, one, I think when you look at  
16 sexual harassment, sometimes you don't have to  
17 be the receiver of the actual sexual  
18 harassment. Someone could be uncomfortable by  
19 observing sexual harassment; and that, too,  
20 still constitutes.

21 And so even a straight person, I  
22 believe, or a heterosexual person would be able  
23 to then say something; but it's also known that  
24 he was aware of my sexual orientation.

25 Q. Okay. So did you tell Gengler

1 **directly that you're homosexual?**

2 A. Two things happened. One thing that  
3 happened -- this all happened on the same day.  
4 So the answer to that question is "yes." But  
5 he had already made the assumption.

6 And so when we had the  
7 conversation about my sexual orientation, we  
8 were at an event; and a very uncomfortable  
9 thing had happened off campus at an event. And  
10 during that particular encounter, I then  
11 disclosed my sexual orientation; he said, "I  
12 already knew."

13 And I said, "Well, how did you  
14 know?"

15 And he goes, "There was  
16 something on your resume to let me know that  
17 you're gay," essentially.

18 And I'm thinking, oh, that's  
19 really interesting because the only thing  
20 that's on my resume is that I've had Safe Space  
21 Training, LGBTQ training.

22 And then, it was also brought to  
23 my attention that after the interview period,  
24 he went around to the office talking about the  
25 different people that had interviewed; and he

1 was like, "Carlos Gooden interviewed. He's  
2 Black, and he's gay." And then he, like,  
3 paused after that to wait for a reaction.

4 **Q. Okay. Were you present and did you**  
5 **personally observe Gengler do that, or was this**  
6 **something that you were told by others?**

7 A. It was something that I was told by  
8 Ikea Jernigan.

9 **Q. Okay. And who is Ikea Jernigan?**

10 A. She was an office assistant at the  
11 time in the MBA office; but now she currently  
12 works as, I want to say, an administrative  
13 assistant in the department of Supply Chain  
14 Management.

15 **Q. Okay. So she's still at UHD?**

16 A. Correct.

17 **Q. And because you didn't personally**  
18 **observe Gengler behaving in that manner, you**  
19 **don't have personal knowledge; you're basing**  
20 **that on what you were told by Ikea Jernigan,**  
21 **correct?**

22 A. Yes, for that particular claim.  
23 However, when the -- it was the Hispanic  
24 Chamber of Commerce event where the  
25 uncomfortable event happened that we ended up

1 processing; and that's when Dean Gengler shared  
2 with me that he knew that I was gay.

3 **Q. Okay. But you mentioned that you had**  
4 **first self-disclosed to him. What was the**  
5 **reason for you doing that?**

6 A. That I self-disclosed? We were at  
7 the Hispanic Chamber of Commerce event.  
8 Honestly, it was, like, the first Friday in  
9 October. And there was a vendor there, and she  
10 was looking to -- she was looking to basically  
11 pair me up on a blind date with a young lady.  
12 And it was, like, me, Dean Gengler, and Jamil  
13 sitting there.

14 And I'm like, "Oh, no, I'm  
15 fine."

16 She's like, "No, she's  
17 beautiful. You guys will really hit it off.  
18 Let me introduce you."

19 And so I'm like, "Oh, no. I'm  
20 okay."

21 Like, I'm literally at work the  
22 second week; and then Dean Gengler tries to  
23 then say, like, "Well, why don't we hook her up  
24 with Jamil, instead?" Right?

25 And so we're sitting here and

1 she's introducing us and so I ended up, like,  
2 leaving from behind my work stand to go and  
3 engage.

4 And I was then sharing, like,  
5 that was an uncomfortable sort of interaction  
6 at that time because I am not seeking a  
7 relationship with a heterosexual woman because  
8 I am gay.

9 Q. Okay.

10 A. His response was, like, "I know.  
11 That's why I was trying to see if we can hook  
12 her up, instead, with Jamil."

13 Q. Gotcha.

14 So then it was kind of somebody  
15 tried to set you up without you really knowing  
16 anything about it; and then that kind of  
17 broached the topic of your sexual orientation,  
18 right?

19 A. Correct.

20 Q. Did you have any discussions with  
21 anyone else at the university about your sexual  
22 orientation other than that one particular  
23 occasion?

24 A. Up until that time, no.

25 Q. Okay. And so it's your position that

1 at that point it was when Gengler had knowledge  
2 of your sexual orientation and then proceeded  
3 with the harassment; is that right?

4 A. No. I believe it was known prior to  
5 that particular day, which is why he reacted  
6 the way he did; but I believe he -- from what I  
7 understand, he knew. He told me that he knew  
8 when I interviewed because of materials that he  
9 saw on my application materials.

10 Q. Okay. So then would it be fair to  
11 say that that was the first time you actually  
12 had kind of an open discussion about it, right?

13 A. Correct.

14 Q. And that was in October. So that  
15 would have been within a month or two of you  
16 starting the job?

17 A. That -- yes, within two to three  
18 weeks.

19 Q. Okay. Are you currently in a  
20 marriage situation with another man?

21 A. I am not.

22 Q. Are you currently in a relationship  
23 with another man?

24 A. I am not.

25 Q. So, you know, you indicated in your

1 pleadings in the lawsuit that you're an  
2 African American. You disclosed that to  
3 Defendants when you applied for the job, right?  
4 There's a voluntary disclosure questionnaire,  
5 and it's your option on whether or not you  
6 would like to disclose that. Does that sound  
7 right?

8 A. That's accurate.

9 Q. And so did you disclose through any  
10 other means or manner your race to the  
11 University?

12 A. That is a very broad question. I'm  
13 not sure. The whole definitively thing is  
14 really throwing me off. I mean, if I can  
15 objectively answer, I would say yes; but I'm  
16 not sure. There could be a million and one  
17 ways that that comes through.

18 So, I mean, maybe if we can  
19 narrow that question a little bit more to a  
20 specific time that you're thinking. I'm not  
21 sure.

22 Q. Sure. Okay. So you voluntarily  
23 disclosed in the job application materials that  
24 you're African American, right?

25 A. Sure, correct.

1 Q. Okay. What other means, if you did  
2 disclose your race in any type of written form  
3 or in any type of conversation with anyone at  
4 the university the fact that you're  
5 African American?

6 A. That is a very broad question,  
7 Mr. Contreras. I'm not sure. I don't know if  
8 I can answer that question.

9 Q. Okay.

10 A. That is very --

11 (Simultaneous speakers.)

12 Q. Okay. Well, what's vague about it?  
13 Because you've told me that the one manner in  
14 which you indicated your race was through the  
15 job application materials. So, to the best of  
16 your recollection, what other means or ways did  
17 you disclose your race to anyone at the  
18 university?

19 A. Again, that is very broad. I mean,  
20 any form, any e-mail, any conversation, right?  
21 Like, I'm not sure.

22 If there's, like, a specific  
23 time you want me to, like, substantiate and  
24 validate, I can do that; but to replay, like,  
25 any form that I -- and this was also -- like,



1 you're talking about 2021, September, October,  
2 or even back to the application materials,  
3 which would have been March, April, May of  
4 2021 (laughing.)

5 So, like, I'm not sure. I don't  
6 want to say something so narrow and then, you  
7 know, something else pops up later. I'm not  
8 sure. That's just a very vague and broad  
9 question.

10 **Q. Okay. Well --**

11 A. It's a little overwhelming, too, to  
12 think about of all those times (laughing.)

13 **Q. Well, of course, it is; but you**  
14 **understand that that's one of the grounds of**  
15 **discrimination you're alleging in the lawsuit**  
16 **is race discrimination, right?**

17 A. Correct.

18 **Q. Okay. So I know of at least one**  
19 **other way in which you did disclose your race**  
20 **was through your discrimination complaint**  
21 **against Gengler, right?**

22 A. Correct.

23 **Q. Okay. And another time was through**  
24 **your e-mail to Lauri Ruiz, discussing your**  
25 **race in connection with -- is it Damar Hamlin's**

1 NFL game injury? Do you remember bringing that  
2 up --

3 A. Correct.

4 Q. -- about being Black and --

5 A. Correct.

6 Q. Okay. So those are two other  
7 instances in which you disclosed or addressed  
8 your status as an African American, correct?

9 A. Correct.

10 Q. Okay. Are there any other occasions  
11 other than those other two that I identified  
12 for you?

13 A. Again, that is very broad. I mean,  
14 we can play -- I mean, not play that game --  
15 but, I mean, there will probably be several  
16 instances of conversations like that. So I'm  
17 not sure how to respond to that, I mean.

18 Q. Okay. Would another time be in one  
19 of the recordings in the conversations that you  
20 had that I believe was with a woman? And I'm  
21 going to get into more details on that; but  
22 that was another time where, you know, your  
23 status as an African American came up in  
24 conversation?

25 A. Likely, yes.

1 Q. Okay. Oh, and just, by the way --  
2 we'll get to it -- but what was that woman's  
3 name? And you had three shorter ones and one  
4 really long recording; and I believe that was  
5 in a conversation with you, Gengler, and  
6 Manrique. And then there were three other  
7 recordings of a conversation that you were  
8 having with a female, and I believe it was in  
9 the workplace. Who was that female's name --  
10 what is that female's name?

11 A. Dianca Chase.

12 Q. Okay. So that's another, I guess,  
13 incident in which your race came up or was a  
14 pertinent topic of the conversation, right?

15 A. Uh-huh.

16 Q. Okay. So I've identified three.  
17 Would it be fair to say that, to the best of  
18 your recollection, there were numerous other  
19 occasions in which your race came up or a  
20 reference was made to it?

21 A. There are, yes.

22 Q. Okay. So, yeah, I'm not trying to  
23 pin you down on trying to find out exactly how  
24 many; but the bottom line is that it was  
25 something that was raised either by you or

1 referred to in conversation by you, correct, as  
2 having something to do with something in the  
3 workplace, right?

4 A. Correct.

5 Q. Okay.

6 A. I mean, even that same day we were  
7 talking about, literally, it was that same  
8 event where the vendor tried to set me up on a  
9 blind date with a young lady, it was that same  
10 exact event that President Blanchard had  
11 attended that event as well. So that's how I  
12 know it was about two or three weeks after I  
13 had started.

14 And I had shared with  
15 Dean Gengler that I met President Blanchard;  
16 and he goes, "Oh, did you tell him that you  
17 work for me?"

18 And I go, "Yeah, I mean, I told  
19 him I work -- you know, I was the latest hire  
20 in the Marilyn Davies College of Business. I  
21 told him I have one of the longest titles on  
22 campus.

23 And then at that point, you  
24 know, my race came up again as well when  
25 Dean Gengler said, "It looks good that I hire

1 Blacks." So that would have been another time  
2 that it came up.

3 Q. Okay. Thank you.

4 And going back to Jamil  
5 Thorton [sic] real quick, would you be  
6 surprised to learn that -- I'm sorry. Jamil  
7 Thorne, T-H-O-R-N-E. Did I spell his last  
8 name right?

9 A. Correct, yes.

10 Q. Okay. So would you be surprised to  
11 learn that Jamil left UHD in part because of  
12 your leadership?

13 A. That would not be a hundred percent  
14 accurate, but not a hundred percent inaccurate.

15 Q. Okay. Can you --

16 A. At the time that I started, if I  
17 started September 13th, my first week, as part  
18 of onboarding, I scheduled one-on-ones with my  
19 direct reports. At that time both Jamil and  
20 Dianca had expressed to me that they were on  
21 their way out. They were both in final  
22 searches for final interviews for other jobs;  
23 and so quickly it became up to me to start  
24 coming up with transition materials, like,  
25 really just getting as much information out of

1 them as possible.

2 And he was looking to leave  
3 before I even got there. In fact, Dean Gengler  
4 wrote him a letter of recommendation and a  
5 reference for the Director of Admissions job at  
6 South Texas College of Law, which would have  
7 been dated before I even started on campus.  
8 And so they were both preparing me to not --  
9 for them to not be there by December, and so  
10 they were both very transparent with me and  
11 shared with me that they were both on their way  
12 out.

13 Q. Thank you.

14 Jamil Thorne is also Black,  
15 correct?

16 A. That is correct.

17 Q. Okay. Did you wear a T-shirt that  
18 said Playboy in a meeting with three female  
19 staff?

20 A. I am not sure.

21 Q. Okay. So you're not sure or you  
22 don't recall?

23 A. I don't -- I don't recall.

24 Q. To your knowledge, what other  
25 employees made the same or similar -- well,

1 hold on.

2 Let me go back to that one  
3 question. Do you have a shirt that says  
4 Playboy on it? Do you own a shirt that says  
5 that?

6 A. I believe so, yes.

7 Q. Okay. Have you ever worn it to work?

8 A. I mean, I don't know. As an  
9 undershirt, I mean, I don't know. I'm not  
10 sure. Interesting, but I'm not -- I can't  
11 definitively say "yes" or "no." I'm not sure.

12 Q. Have you ever made efforts to try and  
13 portray yourself as a playboy in the workplace  
14 to anyone?

15 A. No.

16 Q. Okay. So, to your knowledge, what  
17 other employees made the same or similar  
18 allegations against Gengler that you have?

19 A. In terms of complaints to the  
20 University or...

21 Q. Yes, any type of allegations or  
22 complaints that were the same or similar to the  
23 allegations that you're making against him.

24 A. Are we talking about informally or  
25 formally?

1           **Q.    Either way, informally or formally,**  
2 **to your knowledge.**

3           A.    I think formally Sedef Smith would  
4 have been one. Ben Robles would have been  
5 another. Belinda Hernandez would have been  
6 another. Ethan Waples, Jonathan Davis,  
7 Kimberly Lawson. Those would be the formal  
8 ones that I'm aware of.

9           **Q.    Okay. And what was Ethan's --**  
10 **Ripples, or what was that last name?**

11          A.    Waples, W-A-P-L-E-S.

12          **Q.    Got it.**

13                   Okay. So, to your knowledge,  
14 **these four individuals have actually filed**  
15 **formal written complaints against Gengler?**

16          A.    One, two, three, four -- was it five?

17          **Q.    Oh, I'm sorry. Five.**

18          A.    And then there would have been -- I  
19 believe there were two more at the same time  
20 that mine came out, and that information was  
21 redacted.

22                   I'm trying to think specifically  
23 of others.

24          **Q.    Was one of the ones that came out at**  
25 **the same time Noel Baldovino, correct?**



1           A.    I suspect.  I'm not sure.  I don't  
2 know a hundred percent, but I believe so.

3           **Q.    Okay.  And then you said there was**  
4 **another one.**

5                       **Okay.  And how is it that you**  
6 **know that -- these five individuals that you**  
7 **named that had filed formal complaints against**  
8 **Gengler, how do you know that they actually**  
9 **filed those complaints?**

10          A.    Well, one of -- when I first started,  
11 I was informed of, like, my predecessor and  
12 then sort of like why she left; and so there  
13 was that.  But I never, like, had contact with  
14 her, still to this day.

15                       But once I filed my complaint  
16 and then he was, like, placed on leave and then  
17 the interviews started happening, it became  
18 aware that I was the person who filed the  
19 complaint.  And so other people started coming  
20 up to me and sharing with me sort of like their  
21 stories and how they felt sort of overlooked,  
22 not listened to, ignored, and that it wasn't  
23 addressed at that time and, you know, that they  
24 weren't -- that I wasn't alone, sort of like,  
25 in my experience.

1 And then I became aware of the  
2 Faculty Climate Survey as well after my  
3 complaint; and that was also very telling in  
4 terms of people notifying the University that  
5 this, indeed, was a very hostile and  
6 discriminatory working environment.

7 **Q. To your knowledge, prior to your**  
8 **complaint against Gengler, had any of those**  
9 **formal complaints by those other individuals**  
10 **resulted in a sustained finding against Gengler**  
11 **after an investigation?**

12 A. I think there are different ways of  
13 looking at that. Umm, I think there are  
14 different ways of looking at that.

15 **Q. Okay. So are you telling me that you**  
16 **don't know?**

17 A. I'm saying I think there are  
18 different ways of looking -- answering that  
19 question (laughing.)

20 **Q. Okay. Well, elaborate on that**  
21 **response, please.**

22 A. From what I understand, some  
23 complaints might have gone to HR; and they  
24 likely should have gone to Title IX for an  
25 actual investigation. And so, like, HR likely

1 should have taken them over to Title IX once  
2 they became aware of them; and so I don't think  
3 HR actually, you know, followed through in the  
4 same manner that a Title IX Coordinator should  
5 have or would have. But, also, if those  
6 Title IX cases were investigated similarly to  
7 mine, then whether they were substantiated or  
8 not loses validity in that they're not really  
9 following the standards. And so I'm not sure  
10 if I -- if that is important or not, whether  
11 they substantiated findings or not; but, also,  
12 for many of those, I was not here.

13 **Q. Correct. Those allegations or**  
14 **complaints would have occurred prior to**  
15 **September 21, when you started, right?**

16 A. Correct.

17 **Q. And so would it be correct to say**  
18 **that you would have no personal knowledge of**  
19 **those incidents or events surrounding those**  
20 **complaints, correct?**

21 A. Other than those who came directly to  
22 me. Does that count as personal knowledge?

23 **Q. Well, is it your testimony that you**  
24 **were informed by someone secondhand, without**  
25 **actually seeing anything happen or being a**

1 witness to anything, correct?

2 A. I would say I was informed directly  
3 by the complainants. Is that secondhand?

4 Q. Well -- okay. So then just to be  
5 clear on the record, I'm not going to try and  
6 tell you, you know, how to testify, sir; but  
7 the bottom line is that you were -- any  
8 knowledge that you have about any prior  
9 complaint against Gengler, you learned either  
10 from the complainant about what happened of  
11 whatever the basis of their complaint was,  
12 correct?

13 A. That is correct, either that or the  
14 Littler Mendelson investigation.

15 Q. Okay. Of your complaint, right?

16 A. Correct.

17 Q. Which resulted in the disclosure of  
18 individuals who had -- who had made other  
19 allegations against Gengler; is that correct?

20 A. That is correct.

21 Q. To your knowledge, those prior  
22 complaints before you came to the University,  
23 is it correct or is it not correct that any of  
24 those investigations resulted in a  
25 substantiated finding against Gengler?

1 A. I can't speak to that. I'm not sure.

2 Q. Would you agree that a sustained  
3 finding after an investigation is significant?

4 A. Yes.

5 Q. Is it your position that Gengler  
6 should have already been terminated by UHD and  
7 not working there when you started your job in  
8 September 2021?

9 A. I'm not sure if I can answer that.

10 Q. Well, you testified that when you  
11 came on board, information was shared to you by  
12 others that other people had filed formal  
13 complaints against Gengler, correct? That was  
14 your testimony just now, right?

15 A. Can you repeat that one more time?

16 Q. Well, I don't want to try and alter  
17 your testimony; but you just said that you had  
18 learned about these other individuals that had  
19 filed complaints against Gengler that happened  
20 before you came on board, right?

21 A. Correct, yes.

22 Q. Okay. So now, as the Plaintiff in  
23 your own lawsuit against Gengler, with your own  
24 allegations against him, is it your position  
25 that Gengler should have already been

1 terminated by UHD and not working there when  
2 you started?

3 A. Sure, yes.

4 Q. And what is that based on?

5 A. See, like, I don't know. I can't  
6 necessarily speak to that, right? I just know  
7 that those prior complaints were in place and  
8 that they were there.

9 Q. Okay.

10 A. And in conversations with  
11 complainants who came out after mine, they felt  
12 that their particular cases were not handled  
13 adequately; but, also, if we're talking about  
14 Title IX and conducting an investigation,  
15 substantiating findings, and then issuing  
16 sanctions, the purpose is to reform. And,  
17 clearly, those reforms did not work nor were  
18 they taken seriously.

19 And so I think it would have  
20 been, if not certainly, like, terminated, it  
21 would have been the role of the University to  
22 continue to sort of like monitor and to, you  
23 know, assess the climate for a hostile working  
24 environment, understanding what he's capable  
25 of. So there were no measures put in place;

1 and for those reasons, you know, they continued  
2 to perpetuate a hostile working environment.

3 So that's sort of like why I was  
4 hesitant on, like, the termination. I don't  
5 know certainly what that looks like; but I  
6 think universally what me and the complainants  
7 who also filed complaints believed that the  
8 University did not adequately respond in  
9 accordance with their own policy but standard  
10 to the Title IX.

11 MR. CONTRERAS: Objection,  
12 nonresponsive portion.

13 **Q. (BY MR. CONTRERAS) Would it be**  
14 **appropriate to wear a T-shirt that says Playboy**  
15 **in a virtual work meeting?**

16 A. I'm not sure. I really wish I knew  
17 kind of like what you were talking about here  
18 (laughing.) So I don't know.

19 **Q. Okay. Well, I mean, I'm just asking**  
20 **you a question; and if you know the answer,**  
21 **just do your best to answer. If you don't know**  
22 **or don't recall, just say you don't know or**  
23 **don't recall. Okay?**

24 A. I don't recall then.

25 **Q. So you had made reference in your**

1 lawsuit about a comment by Gengler when he  
2 said, "Nice. It will probably make me look  
3 good that I hire Blacks." And you describe  
4 that as being a conversation with him after you  
5 told him that you had met President Loren  
6 Blanchard; is that correct?

7 A. That is correct.

8 Q. Where did this exchange between you  
9 and Gengler take place?

10 A. In his office.

11 Q. Was anyone else present during that  
12 conversation?

13 A. No. Right before I had walked into  
14 his office, Christine Poleski was in there; and  
15 they were sort of like -- not decompressing --  
16 but reviewing the day; it was big-event day.  
17 So I walked in; and Christine was like, "Oh,  
18 you can have him next." And so she stepped out  
19 to go to her office to get ready to leave for  
20 the day; and then I had stepped in.

21 Q. Okay. And so you commented that you  
22 had met the President, and that was just how he  
23 responded with that comment?

24 A. He said first, "Did you tell him that  
25 you work for me?"



1                   And I said, "Yes." And then I  
2 shared with him just basically the  
3 conversation. I just stated, "I have the  
4 longest title on campus."

5                   And so, yeah, then it went into,  
6 "Oh, but you told him you work for me? It  
7 looks good that I hire Blacks."

8           **Q. Do you recall what else was discussed**  
9 **in that conversation?**

10           A. Absolutely. Not a hundred percent,  
11 right; but, like, I do remember that the  
12 President's sexual orientation came out at that  
13 time as well and that he had shared with me  
14 that he moved here with a partner. And he sort  
15 of like made the comment that -- my order of  
16 operations may be out, but I can tell you sort  
17 of like the highlights of what I remember. He  
18 made the comment that the President and I  
19 probably go to the same bars, right? Like,  
20 that's how we got on the gay conversation.

21                   And then he also started talking  
22 about other employees in the campus that are  
23 also -- who identify as gay and sort of like  
24 his ways of knowing.

25           **Q. What was your response or reaction to**

1 **Gengler saying that it made him look good that**  
2 **he hires Blacks?**

3 A. I was shocked. I was highly  
4 uncomfortable.

5 **Q. Did you communicate that to Gengler?**

6 A. Absolutely not, not at that time.

7 **Q. Okay. And why not?**

8 A. You know, I processed a lot. And so  
9 immediately after, I remember being in the car;  
10 and I, like, called my mom because sometimes,  
11 you know, you have to, like, take a step and  
12 process and figure out, like: Did I hear what  
13 I just heard? And then, you know, am I  
14 overreacting? Am I being, like,  
15 hypersensitive? And so I had to really, like,  
16 process what I just heard; and I was not  
17 prepared to respond and react in that moment.

18 **Q. Okay. Other than telling your mom,**  
19 **did you tell anybody else?**

20 A. I believe I talked to, like, maybe  
21 two of my friends. And then I want to say  
22 maybe the following week, just to really kind  
23 of understand what was happening, I probably  
24 talked to, like, two colleagues about it  
25 because it still bothered me at that time.

1           **Q.     Okay. And who were those two**  
2 **colleagues?**

3           A.     One would have been Dr. Marilyn  
4 Dement, and I talked frequently with Emily  
5 Leffler. So I'm not sure if I would have told  
6 her in that moment or not; but, certainly, it  
7 became --

8           **Q.     And who -- oh, go ahead.**

9           A.     Certainly it became something that I  
10 had to start figuring out was I, like, isolated  
11 in these experiences.

12                   MR. CONTRERAS: Objection to the  
13 nonresponsive portion.

14           **Q.     (BY MR. CONTRERAS) And who were the**  
15 **two friends? Were they friends from outside of**  
16 **Houston, or were they local?**

17           A.     No, like, my long-time best friends.

18           **Q.     Okay. So they wouldn't have actually**  
19 **been on campus that day or anything like that,**  
20 **right?**

21           A.     No.

22           **Q.     Okay. And you did not file a**  
23 **complaint against Gengler at that time,**  
24 **correct, when that statement was made?**

25           A.     No, it was my second week on

1 campus -- second or third week on campus.

2 Q. Okay. You also describe an incident  
3 in your lawsuit that Gengler said about your  
4 hiring that, "Now they can't say I'm racist,"  
5 and that it is documented that Dean Gengler  
6 told other -- I'll just read it verbatim. "It  
7 is documented that Dean Gengler told other  
8 employees regarding Dr. Gooden's hiring, 'Now  
9 they can't say I'm racist.'"

10 How do you know about that  
11 comment?

12 A. So what I learned through the Littler  
13 Mendelson investigation, that was produced  
14 through some of the interviews that they  
15 provided. So I did not know that after my  
16 interview he was going around and talking to  
17 faculty about my hiring and the decisions that,  
18 you know, sort of inspired that. They  
19 conducted an interview with several faculty,  
20 and a lot of that information came out.

21 Q. Okay. Thank you.

22 And when during the  
23 investigation did you become informed of that  
24 comment? Was it through interviews through the  
25 investigators?

1 A. Yeah, the first preliminary report.

2 Q. Which was shared with you as the  
3 Complainant, correct?

4 A. Correct.

5 Q. So the actual comment was made early  
6 on in your employment at the university, but  
7 you didn't find out about it until the  
8 investigation through your complaint; is that  
9 correct?

10 A. That and then another conversation  
11 where -- I'm trying to remember the specific  
12 context. It was a conversation around the  
13 Supreme Court Justice nominations with Ketanji  
14 Jackson-Brown, and that conversation sort of  
15 like floated off into a Gengler monologue on  
16 the lowering standards of Black women so that  
17 they can achieve roles and tenure.

18 And so during that time he was  
19 sharing with me his plan for revamping tenure;  
20 and he goes, "Yeah, when I mentioned these  
21 things, then the people up the hill" -- that's  
22 what we call it at UHD; "up the hill" is sort  
23 of what we call One Main -- "and the people in  
24 HR say I'm racist. Can you believe that?" And  
25 I literally just changed the conversation

1 quickly from that conversation.

2 So that's another time where  
3 it's, like, this conversation on him sort of  
4 like being a racist and projecting that. I'm  
5 not sure how we even got on that, but...

6 **Q. Okay. And when was that conversation**  
7 **with Gengler that you just told me about?**

8 A. It would have been in March.

9 **Q. March of 2022?**

10 A. March of 2022.

11 **Q. Oh, wait. Yes, March of 20- -- okay.**  
12 **I'm trying to just make sure I got the year**  
13 **right.**

14 A. I understand. Because this has been  
15 a long process.

16 **Q. Got it. Okay.**

17 **You also describe in your**  
18 **lawsuit that Gengler insinuated that he hired**  
19 **you because of race and sexual orientation to**  
20 **make himself look good to deflect accusations**  
21 **of discrimination. How do you know this?**

22 A. Again, it's sort of like how I was  
23 being treated and how he was sort of propping  
24 me up in the eyes of the President. And so  
25 that was very uncomfortable. So from that

1 first conversation of, "It makes me look good  
2 that I hire Blacks," it was sort of like: What  
3 is the motive here? You know, I come with a  
4 lot of experience, qualifications, and  
5 credentials; but in that moment it was reduced  
6 to my race. That was uncomfortable.

7 And then in the weeks following  
8 that particular conversation, there were times  
9 where he was looking for me to engage with the  
10 President sort of formally and informally.  
11 That was perceived and made me uncomfortable  
12 and was very inappropriate.

13 Again, it wasn't until the  
14 preliminary report that I learned that he had  
15 made those comments about me before I even got  
16 to campus; but I had my own personal experience  
17 around why I felt uncomfortable with his  
18 suggestions and his sort of offerings.

19 **Q. Okay. So the bottom line is you**  
20 **learned a lot about Dean Gengler's comments**  
21 **through the investigation, right?**

22 **A.** Well, the bottom line is I had my own  
23 personal experiences with Dean Gengler making  
24 me very uncomfortable as it related to the  
25 President in conversations of race.

1           **Q.    And information you learned through**  
2 **the investigation, right?**

3           A.    In addition to.

4                   I mean, I filed my report in  
5 April of '2022. I did not get the report until  
6 November. So, essentially, what I was feeling  
7 and what made me uncomfortable was  
8 substantiated and validated by the work of  
9 Littler Mendelson in interviews that, like, I  
10 would not have access to or people I would not  
11 have access to.

12          **Q.    Thank you.**

13                   **There was another thing**  
14 **described in your lawsuit about you allege that**  
15 **in your presence and in the presence of others,**  
16 **Gengler suggested a Black staff member put on a**  
17 **monkey suit. Who was that staff member?**

18          A.    Jamil Thorne. And for the record --  
19 well, the answer is Jamil Thorne.

20          **Q.    Okay. And I'm sorry. You wanted to**  
21 **add something?**

22          A.    Right. It was reported to me. I was  
23 not at that particular event. However, a  
24 direct report of mine, Marilyn Dement, reported  
25 to me as something that made her uncomfortable;



1 and that was something that I felt should be  
2 reported as well.

3 **Q. Okay. To your knowledge, did Jamil**  
4 **Thorne file a complaint against Gengler over**  
5 **that comment?**

6 A. Jamil Thorne, not to my knowledge.

7 **Q. Did Jamil Thorne ever communicate to**  
8 **you that he was offended by Gengler's comment**  
9 **and felt that it was racist?**

10 A. He did communicate to me that it  
11 made him uncomfortable; and his follow-up was,  
12 "That's just what the Dean does. That's how he  
13 jokes. That's just who he is." But, you know,  
14 his level of offense is different, I mean.

15 **Q. I'm sorry. His level of what?**

16 A. His level of offense is different.  
17 Like, he acknowledges it as problematic and  
18 potentially racist; but he brushes it off. And  
19 this is not the only time where he shared that  
20 with me.

21 **Q. Because you were not present, you**  
22 **wouldn't be able to testify as to the context**  
23 **in which the monkey suit comment was made,**  
24 **correct?**

25 A. I can share with you what my direct

1 report shared with me; but that is the limit,  
2 yeah.

3 **Q. Okay.**

4 A. But, also, I believe they interviewed  
5 Jamil about it. I don't think it was ever  
6 disputed that he said it. He actually admitted  
7 to saying it as a joke.

8 **Q. What was the context it was recounted**  
9 **to you secondhand about the monkey suit**  
10 **comment?**

11 A. The context that was provided to me  
12 was there was an upcoming event and a gala of  
13 some sort and they were preparing to see who  
14 would attend and the dress code came up and  
15 that Dean Gengler looked at Jamil and said,  
16 "It looks like you have to put on a monkey  
17 suit."

18 **Q. With respect to that incident, you**  
19 **allege that Gengler was confronted about the**  
20 **comment. Because you weren't there, you**  
21 **wouldn't have actually heard who the person was**  
22 **that confronted him or if you know?**

23 A. I believe it would have been  
24 Dr. Marilyn Dement.

25 **Q. Okay. In that same conversation**

1 **where the comment was made or afterwards?**

2 A. I believe in that same conversation.  
3 And so then the Dean sort of pushed back and,  
4 you know, tried to say, "You know what? A  
5 monkey suit's a tuxedo," right, like,  
6 explaining the conversation, explaining the  
7 joke and sort of covering his tracks, which I  
8 think -- you know.

9 **Q. Okay. And I'm sorry. Who was that**  
10 **again that was a faculty member?**

11 A. Dr. Marilyn Dement, Associate  
12 Director of Graduate Programs.

13 **Q. Thank you.**

14 **Then in your lawsuit you recount**  
15 **an incident regarding campus police making an**  
16 **alert about an assault by a, quote, unquote,**  
17 **"tall Black man." How did the campus police**  
18 **get that alert out to you? Did you receive**  
19 **that via e-mail or a text?**

20 A. I received it by a text message and I  
21 want to say an e-mail as well, but I got it  
22 later. I was not next to my phone at the time.

23 **Q. Okay. So you weren't aware of the**  
24 **campus alert until after the fact?**

25 A. Correct.

1 Q. And what time of the day do you  
2 recall looking -- you know, seeing the e-mail  
3 eventually and seeing what time that the actual  
4 alert went out?

5 A. It was after 1:00 p.m.

6 Q. Okay. In the early to mid-afternoon?

7 A. Well, I just know it was between 1:00  
8 and 2:00 p.m.

9 Q. Okay. And you allege that  
10 Dean Gengler told faculty and staff that it was  
11 you because you fit the description of the  
12 suspect as a tall Black man. How do you know  
13 that?

14 A. Well, first, what happened was --  
15 well, I received a text message of him asking  
16 me my location. But then I went into my  
17 office; and there were staff in there who  
18 informed me that the Dean went in there looking  
19 for me and made the joke at that time within my  
20 office suite, Suite 401, that he had been  
21 looking for me and joking that I could have  
22 been the tall Black male assaulting a student  
23 in the One Main Building and that he was  
24 looking for me.

25 Q. Okay. And who are those individuals

1   **that were present when you entered the room**  
2   **full of people?**

3           A.     Sure.  When I first entered, it was  
4   Ikea Jernigan, Dianca Chase, Natasha Nowlin,  
5   and a new staff member in her cubicle, Amanda  
6   Trevizo.  And then there would have been two  
7   other staff there, but they typically work with  
8   their doors closed and I don't recall them  
9   being there.  And then when I walked into the  
10  office, Jamil Thorne had walked in behind me.

11          **Q.     Okay.  And what do you recall**  
12  **happening when you entered the room full of --**  
13  **entered into -- did you say it was your**  
14  **suite 401 office suite?**

15          A.     Yeah.  So I walked in and then -- I  
16  had already seen the Dean's message regarding  
17  my location and where I was.  And I said, "No,  
18  I'm here in the building.  I'm in the Digital  
19  Communications suite."

20                   And then we had a meeting on the  
21  calendar, I want to say, for, like, 1:30.  So  
22  at 1:28 I started heading over to get my  
23  materials to head over to his office for our  
24  1:30 meeting; and when I walked into the suite,  
25  that's when I saw the alert.  And I'm like, the

1 alert and then he's asking about my  
2 whereabouts, that's really interesting.

3 And at that time that's when  
4 Ikea and Dianca are saying, "Did you see the  
5 Dean? He's looking for you. The alert came  
6 out of a tall Black male and he came over here  
7 saying it did not look good that you weren't in  
8 your office and that I could have been the  
9 person.

10 And I was just like, "Wait.  
11 What?" And, literally, I was just, like,  
12 stunned; and so Jamil had decided to walk over  
13 to the Dean's suite with me in preparation for  
14 my meeting.

15 **Q. Okay. And who was that meeting with?**

16 **A. Gengler, Dean Gengler.**

17 **Q. Okay. And when you walked over to**  
18 **the meeting with Dean Gengler after all of this**  
19 **had just happened, did this topic come up about**  
20 **the campus alert and that there was some sort**  
21 **of indication that you were the suspect?**

22 **A. It came up immediately. I walked in,**  
23 **and Dean Gengler was sitting in Manrique's --**  
24 **Dr. Justo Manrique's office. And the way his**  
25 **desk was positioned, his chair where the Dean**

1 was sitting is in the eyeline of the doorframe,  
2 you know, in front of his desk; and Christine  
3 Poleski was standing in the corner, sort of  
4 like having a conversation within the suite but  
5 from outside. And when I walked in, the Dean  
6 literally pointed and said, "Oh, good it wasn't  
7 you." And then they all had a good laugh about  
8 it.

9 And Jamil Thorne was actually  
10 behind me at that time; and I go, "What do you  
11 mean? What do you mean?"

12 He was like, "You fit the  
13 description. You were wearing a black jacket."

14 And I was like, "I told you I  
15 wasn't wearing a black jacket. I don't  
16 understand what's happening. Like, what do you  
17 mean?"

18 And Christine Poleski went into  
19 her office. I can't recall -- I do know that  
20 Emily Leffler and Ruby LaCour sit in that same  
21 suite, but I can't recall if they were there.  
22 I can only see the people that were there.

23 And then he goes, "Well, we know  
24 it wasn't Jamil because he went to lunch with  
25 me," as if Jamil would have been the only other

1 tall Black male that could have possibly fit  
2 the description; and then that, too, was a  
3 laugh-out-loud-joking moment.

4 **Q. Okay. And after that incident, did**  
5 **you file a complaint against Gengler?**

6 A. Well, I think it's important that we  
7 went into a meeting after that; and then, sort  
8 of like three more inappropriate comments  
9 happened. And then, that's when I had realized  
10 that this had sort of like escalated to  
11 something that is out of anything that I can  
12 handle on my own.

13 The short answer is "yes." I  
14 first talked to Ikea and Jamil about the  
15 experience, again, sort of like getting that  
16 understanding of: Did I perceive this  
17 correctly? Like, did you see this the same way  
18 that I saw this? Am I misunderstanding  
19 something here?

20 That was on April, I want to  
21 say, 19th. I was away at a conference -- no,  
22 the 16th. I went on a conference. So that day  
23 that happened, I then flew to Chicago on that  
24 Wednesday for a conference. I was at the  
25 conference.



1                   So I was out of the office  
2       Wednesday, Thursday, and Friday. My first day  
3       back was Monday, so that's when I filed the  
4       complaint.

5           **Q.     Right. According to the information,**  
6       **you initiated your complaint process on**  
7       **April 25th, right?**

8           A.     That Monday, correct.

9           **Q.     Okay. That was when you came back**  
10       **from the conference, right?**

11          A.     That is. That was my first day back  
12       on campus.

13          **Q.     Okay. And then you also described**  
14       **another incident when you were hosting a**  
15       **prospective student. This would have been**  
16       **before, in November of 2021, November 5th, I**  
17       **think, in which Gengler made a joke about a**  
18       **mandate. Can you tell me what the context of**  
19       **that was?**

20          A.     Absolutely. He was a faculty member,  
21       I want to say, at Jarvis Christian University,  
22       somewhere in East Texas. Him and wife came to  
23       campus. His wife was looking for an MBA  
24       program, so we set up a special day.

25                   They had already met with the

1 Dean earlier in sort of the agenda that I had  
2 created for them; but part of their visit was  
3 to visit the career center, the Career Services  
4 Center of the College of Business. So we went  
5 there, and we actually had an event later that  
6 evening. And I think he, the Dean, was coming  
7 to the Career Services Center to invite the  
8 Director of the Career Services Center to that  
9 event that was happening in, like, five hours.

10 And so when he walked in, of  
11 course, me and Brett were sitting there; and  
12 Brett was one of the individuals he had already  
13 sort of, like, took it upon himself to identify  
14 to me as a person who is gay. And so he then  
15 tells a joke about the man date in that moment  
16 with me and Brett sitting there in front of the  
17 prospective student and her, technically,  
18 husband, who was a professor. And it was very  
19 random, very out of context of what we were  
20 there to talk about. It did not flow. We were  
21 not having an informal conversation. We were  
22 talking about preparing students for careers.

23 **Q. Okay. And then what was your**  
24 **response or reaction to that comment by**  
25 **Gengler?**

1           A.     I mean, I think I can tell you --  
2 well, first, when he goes, "You guys want to  
3 hear a joke," Brett Hobby immediately went,  
4 "Uh-oh." And I'm like, "Oh." So then he tells  
5 the joke; but, no, there was no reaction at  
6 that time at all. I mean, I just went stoic,  
7 as I normally do, when I get shocked by one of  
8 his jokes, discriminatory remarks.

9           **Q.     Okay. And so the joke was made; and**  
10 **you just proceeded with business, right?**

11          A.     Correct.

12          **Q.     And then we get to --**

13                   MR. CONTRERAS: Actually, right  
14 now would be a good time for a short break.  
15 We've been on for a little while now, I think  
16 How long, an hour, hour and a half, Debbie?

17                   THE WITNESS: I'm fine.

18                   THE REPORTER: Yes.

19                   MS. OWENS: Yes.

20                   MR. CONTRERAS: Okay. I just  
21 want to take a quick five- or ten-minute break  
22 because I was going to get into kind of a big  
23 topic, and I don't want to start that right  
24 now. So just a short ten-minute break, back on  
25 at 12:00. Is that okay?

1 MS. OWENS: That's fine.

2 MR. CONTRERAS: Okay. Thanks.

3 Off the record.

4 THE REPORTER: We're going off  
5 the record at 11:50 a.m.

6 (Off the record at 11:50 a.m.  
7 to 12:08 p.m.)

8 THE REPORTER: We're back on the  
9 record at 12:08 p.m.

10 MR. CONTRERAS: Thank you.

11 Q. (BY MR. CONTRERAS) After a short  
12 break, Mr. Gooden, let me just ask you about  
13 your complaint; and I'm referring to the formal  
14 complaint against Gengler.

15 So you allege in this lawsuit  
16 that it was, quote, unquote, "almost  
17 immediately" after you were hired that you were  
18 subjected to discrimination by Gengler based on  
19 your race and sexual orientation, correct?

20 A. Correct.

21 Q. Did you ever tell Gengler directly,  
22 face to face, in person, that his comments were  
23 offensive?

24 A. No. I won't say ever; but for the  
25 most part, no.

1           **Q.     Okay.   So why not?**

2           A.     I think from, like, my experiences,  
3   many of the times I was in shock, right?  It  
4   would be a comment that was completely  
5   inappropriate or something that would be  
6   humiliating or a joke that was embarrassing or  
7   uncomfortable.

8                     And, one, I know that when the  
9   initial one, the first one that I experienced  
10  happened regarding the President and "I hire  
11  Blacks," right, one of the things I had to  
12  consider was that I had just moved to Houston  
13  from Chicago across the country; and I had just  
14  sort of started this job.  And this was my  
15  supervisor who has a lot of stock and say in,  
16  you know, my performance review and my  
17  livelihood.

18                    And so any sort of opposition or  
19  objection to, you know, the comments that he  
20  was making, the discriminatory jokes he was  
21  making, could potentially damage the  
22  relationship that, you know, I was developing  
23  with him.  And I was continuing to kind of get  
24  to learn a little bit, like, about him as well  
25  as the environment; and so, you know, I needed

1 to take time to sort of assess that.

2 After a while, too, I then had  
3 to assess his ability and capacity to process  
4 or understand, you know, what I was saying and,  
5 you know, how he would respond to that. And  
6 through my sort of continued engagement with  
7 him, I realized that this was not a safe space  
8 for me to bring these things to him and that it  
9 may sort of, like, add more fuel to the fire.

10 There were times where we would  
11 have sort of, like, conversations and not  
12 necessarily, like, agree, you know, related to,  
13 like, policy or related to things that were  
14 happening on campus. And so, you know, I would  
15 assess and see his reaction in those moments  
16 to, you know, academic disagreements or, you  
17 know, ways to process or approach a different  
18 topic; and they tended to be chaotic or  
19 irrational, not well received. And so, through  
20 my history of engaging with him, it didn't seem  
21 appropriate to engage in that manner.

22 **Q. Okay.**

23 MR. CONTRERAS: Objection to the  
24 nonresponsive portion.

25 **Q. (BY MR. CONTRERAS) So you mentioned**

1 **safe space. So why don't you define what you**  
2 **mean when you say "safe space"?**

3 A. In terms of -- well, overall, when  
4 you talk about, like, safe space in an  
5 environment, just being able to sort of show up  
6 at work in your identity to kind of, you know,  
7 be able to do your job with sort of like mental  
8 capacity without fear of, like, ridicule of  
9 humiliation or embarrassment for your identity  
10 or differential treatment.

11 **Q. Okay. And so "safe space" in that**  
12 **definition does not include physical threat of**  
13 **harm, correct?**

14 A. It could, yes.

15 **Q. Okay. How is that?**

16 A. Although most of what I experienced  
17 was definitely, like, mental and emotional, I  
18 did not include it in my definition prior  
19 because, I mean, I did not feel at that time  
20 physically threatened.

21 **Q. Okay. At any point during the job,**  
22 **did you ever feel like an actual physical**  
23 **threat of harm to you?**

24 A. I did, yes.

25 **Q. And when was that?**

1           A.     After I filed the complaint in July,  
2 I was already feeling unsafe in the environment  
3 as a result of the investigation and everything  
4 that was going on and then Dean Gengler being  
5 on leave; and then there was a lockdown on  
6 campus where, arguably, any employee would  
7 likely say they did not feel physically safe.

8           **Q.     Okay. And so what exactly was it**  
9 **that made you feel physically unsafe as if**  
10 **there was a threat to your actual physical --**  
11 **you know, physical contact or physical type of**  
12 **harm against you? What exactly, if you could**  
13 **pinpoint, made you feel that way?**

14          A.     It had become evident and clear to me  
15 that Dean Gengler was angry, obviously, at the  
16 investigation and at everything that had  
17 transpired as a result of the -- my filing of a  
18 complaint. And in July I was actually in a  
19 classroom on the third floor, one floor below  
20 my office, and I was in a meeting on a private  
21 Zoom call with my therapist and sort of  
22 obviously, like, talking about these things.  
23 And then we were all notified to shelter in  
24 place, that there had been a threat to the  
25 campus. And it was unknown, like, what the



1 threat to the campus was at that time.

2 And so it was one of those  
3 moments where I was kind of like: Why am I  
4 even in this position to not feel safe on this  
5 campus, considering the context of the  
6 complaint and the investigation?

7 Q. But as you testified, there was some  
8 kind of issuance of some threat on campus; but  
9 it was nothing that you could directly  
10 attribute to Gengler, correct?

11 A. That is correct.

12 Q. And it's correct that Gengler never  
13 threatened you with any type of physical harm,  
14 correct?

15 A. That is correct.

16 Q. Okay. And the same for any other of  
17 your coworkers or anybody else that works for  
18 UHS or UHD, no one ever actually made any  
19 physical threats of violence to you; is that  
20 correct?

21 A. That is correct.

22 Q. Okay. Other than the one incident  
23 in which you've described that there was a  
24 possible threat to your personal safety, are  
25 there any other incidents in which you felt

1 that way?

2 A. In terms of physical threat, no.

3 Q. Yeah. Okay. Thank you.

4 So, to the best of your  
5 recollection, from when you started the  
6 position in September 2021, up until  
7 April 25th, 2022 -- so we're talking about  
8 eight months, I think, a little under eight  
9 months when you filed your complaint. How many  
10 times -- I'm sorry?

11 A. I was going to say it was about six  
12 months, but correct.

13 Q. Did I get my math wrong? Hold on.  
14 September, October, November, December,  
15 January, February, March, April. Is that not,  
16 like, at least seven months? So you started on  
17 September 1st, right?

18 A. September 13th.

19 Q. Okay. September 13th to April 25th.  
20 So isn't that seven months?

21 A. That's fair.

22 Q. Anyway, we can figure that out; but  
23 just, generally speaking, it was about seven  
24 months, you know, an extra week or two or  
25 whatever that is. But during that time period,

1    **how many times did Gengler make comments that**  
2    **you felt were discriminatory either based on**  
3    **your race or sexual orientation if you can put**  
4    **a total number of times on it?**

5           A.    I would have to refer to the actual  
6    formal complaint where I documented most of  
7    those; although, that is not a comprehensive  
8    account of all of them. But, you know, in my  
9    formal complaint, there may have been 30 plus  
10   that were actually, like, written and  
11   documented; but there would certainly be more.  
12   And then, of course, after that, as well, there  
13   would be additional ones to report as well.

14           **Q.    Okay. Well, let's go to exhibit --**  
15   **the next exhibit, your complaint.**

16                   MR. CONTRERAS: I'm on  
17   Exhibit 6. Is that the right exhibit number,  
18   Debbie?

19                   THE REPORTER: I thought we were  
20   on 5.

21                   MR. CONTRERAS: Oh, shoot -- I'm  
22   sorry -- Exhibit 5. There we go.

23                   Oh, I think I misplaced that  
24   exhibit. Give me one second, please. Bear  
25   with me.

1                   Okay. Here it is. Okay. I  
2 just sent it over through Zoom to everybody.

3                   (Exhibit 5 marked.)

4           Q.     (BY MR. CONTRERAS) And I'll go ahead  
5 and screen share. Let me know if you can see  
6 this, Mr. Gooden.

7           A.     We can see it.

8           Q.     Okay. Do I need to enlarge it a  
9 little bit more?

10          A.     Possibly, yes.

11          Q.     Okay. This is what initiated your  
12 complaint against Gengler, correct?

13          A.     Correct.

14          Q.     And I'm just going to scroll down  
15 to the violations here. Let's see. You cited  
16 to the negative stereotyping in April 2022.  
17 March 2022, embarrassing you on a Zoom meeting.  
18 Persistent and severe microaggressions.

19                   What is a microaggression? Can  
20 you define that for me?

21          A.     I think we can probably look up a  
22 textbook definition for it.

23          Q.     Well, why don't you --

24          A.     I'm not sure I'm prepared --

25                   (Simultaneous speakers.)

1 Q. Why don't you just tell me what your  
2 understanding of what is a microaggression?

3 A. I'm not sure I'm prepared right now  
4 to go into a definition of a microaggression,  
5 but I think that's something we can  
6 collectively look at and agree on a definition.  
7 I'm not sure.

8 Q. Okay. But that's a term that you use  
9 in your complaint, right? It's right there.  
10 Do you see it?

11 A. Correct, correct.

12 Q. That's a term -- and you used that  
13 term in other written complaints or  
14 communications, right?

15 A. Correct.

16 Q. So I'm just going down the list here,  
17 6, 7, 8, 9, 10, 11, 12, 13, 14. And these are  
18 all your descriptions of the basis of your  
19 complaint, right?

20 A. Correct.

21 Q. 15, 16, 17, 18, 19, 20, 21, through  
22 26. Without getting into the details of each  
23 one -- I think that would be too time  
24 consuming -- but I'm just kind of going over  
25 the numbers here. 27 through 30, 31, 32, 33

1 through 36, 37 through 38. Is that consistent  
2 with your testimony earlier that you had  
3 identified in the thirties your specific  
4 complaints against Gengler?

5 A. That is correct, that's consistent.

6 Q. Okay. And so you mentioned there  
7 were other things that you have as a basis to  
8 complain against Gengler. Why didn't you  
9 include those as well in this complaint?

10 A. So my approach at this time was there  
11 were -- virtually, like, I was very -- I was in  
12 a very stressful environmental. It's also a  
13 very hostile working environment. I was very  
14 stressed at the time, like, rewriting and  
15 reliving these experiences; but one of the  
16 things that I wanted to at least maintain was  
17 my working relationships with the colleagues  
18 that I had.

19 So there was a chance that, you  
20 know, what you put in writing and sort of like  
21 send out can end up almost anywhere; but also  
22 being aware that this may trigger some sort of  
23 investigation and so I was keeping in mind my  
24 colleagues that I have to and had to continue  
25 to work with. And so to sort of like spare

1    them embarrassment on some of the comments  
2    made, I did not include them.

3                   Even when it comes to, like,  
4    President Blanchard, I did not -- I mean, I  
5    don't know, know him; but I did not go into a  
6    lot of detail in my complaint regarding  
7    President Blanchard and, like, even his sexual  
8    orientation. I think that's private  
9    information, and so I was just being cognizant  
10   of sort of those things when writing. So it's  
11   not exhaustive or comprehensive in that regard.

12           **Q.    Okay. But you feel that you covered**  
13   **the main points; or the crux of your complaint**  
14   **against him is, according to your testimony,**  
15   **memorialized in your complaint, right?**

16           A.    That is fair, correct.

17           **Q.    And so if you could -- you know, I**  
18   **know you can't tell me about the total number**  
19   **of times -- and that's not something that I**  
20   **would try and hold you to, anyway -- but if you**  
21   **could at least tell me generally how often**  
22   **Gengler would make inappropriate comments or**  
23   **jokes to you, would it be every interaction on**  
24   **a weekly basis, every other week? Is there any**  
25   **way you can just kind of give me just some sort**

1 of general timeframe of how often Gengler made  
2 improper comments or comments that you felt  
3 were improper?

4 A. I would say almost every interaction  
5 and I think almost daily would be appropriate;  
6 if not, definitely weekly.

7 Q. Okay. So if Gengler's behavior was  
8 so bad and occurred, as you say, quote,  
9 unquote, "almost daily," why did you wait  
10 almost eight months to file your complaint  
11 against him -- or whatever it is, almost seven  
12 or eight months?

13 A. Sure. I mean, I think I shared  
14 already that, you know, I was looking to kind  
15 of make it work, right? It became clear that  
16 this is what he does and what he has done and  
17 that I had to assess his ability to be able to  
18 respond; but I just moved across the country  
19 for this particular role and was not looking to  
20 rock the boat or jeopardize that or sort of  
21 like my livelihood.

22 The other thing that happened  
23 was once I started experiencing these things  
24 more frequently, I went to sort of colleagues  
25 to kind of figure out, "Hey, this just



1 happened."

2 And that's where I learned a  
3 little bit more like, "Oh, this is what he  
4 does. We all know it. We just kind of deal  
5 with it."

6 And I'm, like, "Well, how come  
7 no one reports this?"

8 And they're like, "We did report  
9 it, but the University won't do anything."

10 So that was the culture of the  
11 Marilyn Davies College of Business that, you  
12 know, when you file something, he becomes aware  
13 of it. He becomes introduced back into the  
14 environment. He doesn't take it seriously  
15 because Title IX wasn't taking it seriously.  
16 And then you have to continue to work with him  
17 after you say something.

18 So my colleagues had informed  
19 me, "It's just best to kind of keep your head  
20 down and don't say anything and just deal with  
21 it the way the rest of us do."

22 **Q. To go back to the word microaggression**  
23 **that I just asked you about here a little while**  
24 **ago, you know, just bottom line, in a nutshell,**  
25 **what does that term mean to you? What is your**

1 **understanding of the phrase "microaggression"?**

2 A. I mean, I don't feel comfortable -- I  
3 don't know if I can do that right now; but if  
4 you want to maybe pull up some definitions,  
5 then we can maybe agree on one.

6 **Q. Well, can you tell me why you used**  
7 **that term in the first place?**

8 A. I know I was experiencing  
9 microaggressions, right? They were present.

10 **Q. Okay. So, I mean, just, you know,**  
11 **I'm not going to hold you to the Merriam**  
12 **Webster, the official dictionary definition;**  
13 **but, I mean, just generally what's your**  
14 **understanding of a microaggression?**

15 A. I can't recall off the top of my head  
16 right now. I mean, I think that's -- there's a  
17 definitive answer out there on what that means,  
18 right? And so there's a reason why it's in  
19 policy; and so if we want to agree on a  
20 definition, we can do that.

21 **Q. Would you say that a microaggression**  
22 **is something less subtle than something blatant**  
23 **and direct and overt?**

24 A. That is fair, yes.

25 **Q. So it's more of like a nuanced sort**

1 of -- it's a reference to something more  
2 nuanced or less obvious and overt, right?

3 A. Correct.

4 Q. So I guess with that sort of basic,  
5 general agreement on what that term means, can  
6 you place any other descriptions or labels or  
7 your understanding of what a microaggression is?

8 A. Sure. It could be slight. It could  
9 be indirect. Those are two other sort of like  
10 synonyms I would use.

11 Q. What did it mean to you at the time  
12 you wrote that when you used the word  
13 "microaggression"?

14 A. Sure. I think in my formal complaint  
15 I put in there darts, if you will. You know,  
16 they were like little darts that were being  
17 sort of like thrown at me; and when I think of  
18 microaggressions in my experience, they're  
19 almost like mosquito bites or paper cuts,  
20 right? Like, one mosquito isn't, you know,  
21 bad, one microaggression. One mosquito bite is  
22 nothing; it just itches a little bit.

23 But when you continue to receive  
24 dozens and dozens of them throughout a  
25 timeframe, that tends to impact your physical,

1 your mental, and emotional state -- or even  
2 like little darts or paper cuts. One paper  
3 cut, right; but when you receive several paper  
4 cuts, you begin to bleed; and that then impacts  
5 your ability to show up whole mentally,  
6 emotionally, as well as physically.

7 So those were sort of like my  
8 definition of microaggressions or how I came to  
9 understand, and that was my experience.

10 Q. Okay. Do you have any training or  
11 degrees or studying in psychology as an  
12 individual qualified to use that term; or you  
13 simply use that term as a layman, with a  
14 general understanding of what you believe the  
15 phrase microaggression means?

16 A. Do I have any training or -- I do not  
17 have a psychology degree.

18 Q. Okay. Yeah, that's fine. That's  
19 what I was asking you.

20 So on the same day you filed  
21 your complaint, you were contacted by the EOS  
22 officer Lauri Ruiz, right?

23 A. Correct.

24 Q. So contacting you on the same day is  
25 a very fast response time. Would you agree?

1 A. It was adequate, correct.

2 Q. Then the next day you had an  
3 in-person meeting with Ruiz in which you  
4 recounted more information about your complaint  
5 to her about Gengler, right?

6 A. That is correct.

7 Q. And in those meetings was Ms. Ruiz  
8 helpful to you and provided you information and  
9 guidance on how you could proceed with your  
10 complaint?

11 A. She did, yes.

12 Q. She provided you with a formal  
13 complaint form, right?

14 A. Not at that time, no.

15 Q. Okay. Did she provide it within the  
16 week, within a week of your contacting her  
17 office?

18 A. Yes.

19 Q. Okay. It was within a relatively  
20 short period of time. I'm not going to try to  
21 hold you to any specific time period; but it  
22 was a lot of information and guidance and  
23 assistance from her up front about how you  
24 could proceed with your complaint against  
25 Gengler, right? Would that be fair?

1 A. Correct, that would be fair.

2 Q. Is there anything that Lauri Ruiz did  
3 or did not do that you're claiming somehow  
4 supports your claims in this lawsuit?

5 A. If we're talking about within that  
6 week, no, within that same week, no.

7 Q. What about at any particular time  
8 throughout the whole process?

9 A. I would say absolutely. There were  
10 several, I would say, grievances.

11 Q. Okay. Name them.

12 A. I think my first understanding of the  
13 Title IX policy was that within five days of me  
14 filing my formal complaint, the Respondent  
15 should be notified of the formal complaint and  
16 sort of informed that this is something that  
17 happened as a way to then provide some sort of  
18 protective measures while we do some sort of  
19 investigation.

20 The first was that did not occur  
21 within five days; and as a result of that, I  
22 continued to receive, as we established  
23 earlier, daily, weekly. So those continued to  
24 happen in the subsequent weeks after me filing  
25 my complaint and the University not notifying

1 Dean Gengler. So that would be the first.

2 Q. Okay. And are you blaming that on  
3 Lauri Ruiz specifically, her non-action, or  
4 somebody else?

5 A. I can't speak to the blame. I'm  
6 just -- I guess I'm speaking to the fact that  
7 that is the policy, and that was the  
8 expectation. That was what was presented to  
9 me, and that did not happen.

10 Q. Oh, to go back to your complaint,  
11 you had mentioned that there were additional  
12 allegations. Who were those other colleagues  
13 that you talked with about those complaints  
14 that you did not include in your written  
15 complaint?

16 A. In my complaint, I don't remember  
17 mentioning that there was allegations. Who  
18 are -- I'm sorry. One more time.

19 Q. So we went over your first written  
20 complaint dated April 25th, 2022; and you had  
21 mentioned that there were other incidents that  
22 you did not include because you didn't want to  
23 basically name names, right?

24 A. Correct.

25 Q. You didn't want to disclose their

1 **names, right?**

2 A. Right, right, right.

3 Q. Okay. So now that, you know, the  
4 cat's out of the bag on that and we're here  
5 with your lawsuit and it's been going on and  
6 everybody knows you filed a lawsuit, right,  
7 could you disclose the names of those people to  
8 me at this time?

9 A. One of the ones that I intentionally  
10 omitted was an observation that I -- well, I  
11 observed one was with Christine Poleski. You  
12 know, she could have, because he made an  
13 inappropriate comment that could be perceived  
14 as sexual harassment, in my presence; and so,  
15 like, I had to be cognizant about that  
16 particular incident and how that would sort of  
17 like make her feel.

18 Q. Okay. Anybody else?

19 A. I became aware of Kimberly Lawson and  
20 her experience.

21 Q. And can you describe what that was  
22 about with Kimberly Lawson?

23 A. Basically, she was the incumbent in  
24 my role before I took my position and that she  
25 had reported just misogynistic, racist comments



1 and just the stories that occurred with  
2 Dean Gengler being incredibly abusive. And  
3 then there's several individuals who ended up  
4 leaving the college during this timeframe as  
5 well.

6 **Q. Okay. Can you just give me their**  
7 **names?**

8 A. The individuals that left during  
9 this time, the first that comes to mind would  
10 be Berna McCelyra, M-C-C-E-L-Y-R-A, who would  
11 have firsthand knowledge of the abusive nature  
12 of Dean Gengler. Emily Leffler would also be  
13 privy to a lot of this information as well.

14 **Q. Okay. Any other names? I just want**  
15 **to make sure I've got the -- any other names**  
16 **that you can identify?**

17 A. Sure. Ethan Waples would be another  
18 one who reported directly to -- well, he  
19 reported directly to the Dean; but, also, he  
20 reported directly to Akif Uzman, who was the  
21 supervisor of the Dean, with a list similar to  
22 mine -- I've never seen it -- but with a list  
23 of issues of the Dean creating a hostile  
24 working environment.

25 And Dean Akif -- well, not Dean

1 at the time -- but Akif Uzman did not support  
2 the moving forward; and so, again, that's  
3 another instance of things being reported but  
4 not being taken to the proper authorities and  
5 handled.

6 **Q. Okay. Is that everybody that you can**  
7 **identify that you left out, that you omitted?**

8 A. Sure. I mean, we went through a  
9 comprehensive list earlier. So it would be  
10 similar to that as well, with Ben Robles,  
11 right; but in terms of individuals who have  
12 also had similar experiences, like, Brett Hobby  
13 would be one, Belinda Hernandez, Courtney  
14 Banks, Sedef Smith --

15 **Q. Go ahead. Go ahead.**

16 A. Dianca Chase, Ikea Jernigan, Natasha  
17 Nowlin would all have firsthand experiences of  
18 all of the -- Dr. Marilyn Dement. Dr. Cathy  
19 Liu has her fair share of experiences of the  
20 Dean making her uncomfortable as well.

21 **Q. How do you spell her last name?**

22 A. L-I-U.

23 **Q. Okay.**

24 A. Ceshia Love also has her fair share  
25 of experiences. Dr. Daniel Villanueva was

1 actually in an e-mail inappropriately  
2 receiving, I would say, creating a hostile  
3 working environment. Dean Gengler replied all  
4 to an e-mail to which the President had Akif  
5 Uzman then talk to Dean Gengler -- I was  
6 copied on the e-mail -- then had to talk to  
7 Dean Gengler about his conduct in an e-mail in  
8 a reply all. And then the reaction to that was  
9 Dean Gengler coming to my office and then  
10 complaining about him being reprimanded for his  
11 inappropriate actions.

12 **Q. All right. Does that cover it with**  
13 **all the names then?**

14 A. I mean, I can give a comprehensive  
15 list. The current VP of Human Resources right  
16 now, her name escapes me; but, I mean, I had a  
17 conversation with her. And she wasn't the VP  
18 of Human Resources at this time; but she  
19 basically validated and supported to me  
20 directly that this person -- that Dean Gengler  
21 is very much known as this person who does this  
22 and so that no one is surprised that these  
23 things were happening.

24 So the question remains: How  
25 has he been able to continue to do these

1 things?

2 MR. CONTRERAS: Objection,  
3 nonresponsive portion.

4 Q. (BY MR. CONTRERAS) So then,  
5 essentially, it was conversations that you  
6 had with these other people about Gengler's  
7 reputation, right? Would that be a fair  
8 characterization?

9 A. Yes.

10 Q. Okay. But as far as what these  
11 other individuals were telling you, you had no  
12 personal knowledge about what they were  
13 recounting to you; is that correct?

14 A. I don't -- and please forgive me. I  
15 guess I don't understand the definition of  
16 "personal knowledge," right, so I'm not sure of  
17 the context.

18 Q. When I say "personal knowledge," I  
19 mean something that you actually heard or saw  
20 that you would be able to testify to. Okay?

21 A. As, like, a firsthand, I observed it  
22 directly?

23 Q. Yes. Firsthand something you  
24 personally observed that you have personal  
25 knowledge of. That's what I mean.

1                   And so to go back to my  
2   question, all these individuals were recounting  
3   their own experiences with Gengler to you; and  
4   you were learning it secondhand without  
5   personal knowledge, correct?

6           A.    That is correct, other than the one  
7   that I stated with Christine Poleski and those  
8   stated in my formal complaint.

9           Q.    Okay. Got it.

10                   And so, once again, just to be  
11   fair, to make sure that we have a description  
12   right, you had conversations with a lot of  
13   other people in the workplace that spoke to  
14   Gengler's reputation for making improper  
15   comments or jokes at work, right?

16          A.    Yes.

17                   MR. CONTRERAS: Okay. I'm just  
18   going the cover one more topic and then we'll  
19   break for lunch, or do you guys want to break  
20   right now? I think right now is a good time to  
21   break for lunch. So how about --

22                   MS. OWENS: Okay. That's fine.

23                   MR. CONTRERAS: How about  
24   1:15-ish back on?

25                   MS. OWENS: Okay.

1 MR. CONTRERAS: Okay. We'll  
2 take a short lunch.

3 Off the record.

4 THE REPORTER: We're going off  
5 the record at 12:43 p.m.

6 (Off the record from 12:43  
7 to 1:22 p.m.)

8 THE REPORTER: We're back on the  
9 record at 1:22 p.m.

10 MR. CONTRERAS: Thank you.

11 Q. (BY MR. CONTRERAS) We're back after  
12 a short lunch here.

13 So, Mr. Gooden, Gengler was put  
14 on administrative leave -- oh, shoot. I forgot  
15 to ask you real quick: What did you do to  
16 prepare for today's deposition?

17 A. I guess, I mean, I read over the  
18 documents in my original formal complaint.

19 Q. And I don't want to ask you what you  
20 talked about with your attorneys; but did you,  
21 in fact, also meet with your attorneys or  
22 communicate with them?

23 A. I did.

24 Q. Okay. Anything else?

25 A. No.

1 Q. Okay. Thank you.

2 So Gengler was, in fact, placed  
3 on administrative leave after you filed your  
4 complaint against him, right?

5 A. Eventually, yes.

6 Q. So do you remember that on May 19th  
7 they were going to give Gengler the notice of  
8 admin leave; but you told Ms. Ruiz that there  
9 was a seminar that day at the College of  
10 Business, so notice was held off until the  
11 following Monday, on May 23rd, 2022?

12 A. So, in my head, I want to say it was  
13 May 18th.

14 Q. Oh, okay. Well, let me just --

15 A. I got a phone call on Thursday,  
16 whatever that Thursday was.

17 Q. Let me just bring up the next  
18 exhibit. This might help clarify --

19 A. Yeah.

20 Q. -- the dates a little bit.

21 A. Yeah, you're right.

22 Q. Okay. Yeah, I'll just bring it up  
23 here real quick.

24 MR. CONTRERAS: Exhibit 6,  
25 Gengler admin leave letter.

1 (Exhibit 6 marked.)

2 Q. (BY MR. CONTRERAS) Can you read  
3 that, or is that too small?

4 A. One second.

5 MR. CONTRERAS: I'll be back in  
6 two seconds. Hold on.

7 MS. OWENS: Okay.

8 Q. (BY MR. CONTRERAS) Okay. So Exhibit  
9 Number 6, I'll represent to you this is a  
10 notice that was given to Gengler on the admin  
11 leave on May 23rd. So that would have been  
12 about four weeks after you initiated  
13 communications regarding your complaint, right?

14 A. Correct.

15 Q. And once Gengler was placed on leave  
16 and he was gone, who became your direct report?

17 A. We had an admin Acting Dean,  
18 Dr. Jonathan Davis.

19 Q. Okay. And is he still currently your  
20 direct report?

21 A. Correct.

22 Q. Okay. And what's your opinion of  
23 Jonathan Davis as an Acting Dean?

24 A. We work together very well.

25 Q. Okay. No issues like Gengler at all?



1 A. No.

2 Q. So on May 23rd, 2022, Gengler was  
3 placed on administrative leave; and he never  
4 came back to the workplace, correct?

5 A. That is not correct.

6 Q. Okay. What -- explain why that's not  
7 correct.

8 A. I mean, if we define the workplace as  
9 the campus, you know, he was on campus -- he  
10 was reported as being on campus at one time  
11 during this leave.

12 But, also, I had reported our  
13 workplace shifts, right? And so we do a lot of  
14 off-campus and outreach events. I had reported  
15 that the Dean had showed up -- as part of our  
16 playbook, he showed up at an event where we  
17 recruit; and he had caused some complications  
18 at that time at that event. But he showed up  
19 in his official capacity as a Dean and began  
20 recruiting for the college.

21 Q. When was that?

22 A. August of 2022.

23 Q. Okay. Well, let's see. So that was  
24 during the time that the administrative leave  
25 was in place; is that correct?

1 A. Correct.

2 Q. Did you see him on that occasion when  
3 he was on campus?

4 A. No, it was reported to me.

5 Q. And what was the -- was it a  
6 recruiting event?

7 A. So this particular time it was a  
8 recruiting event at the Asian Chamber of  
9 Commerce.

10 Q. Okay. So --

11 A. I had --

12 (Simultaneous speakers.)

13 Q. I'm sorry. Go ahead.

14 A. I had a staff member attend on behalf  
15 of the UHD MBA as a representative. We had  
16 one, and then the undergrad sent one person as  
17 well.

18 Q. Okay. So it was not on the UHD  
19 campus; it was at a different location?

20 A. Correct.

21 Q. And where was that, again? You said  
22 the Asian...

23 A. It was the Asian Chamber of Commerce  
24 event.

25 Q. And it's your testimony that Gengler

1 appeared and was acting in his role as Dean in  
2 recruitment efforts?

3 A. Correct.

4 Q. And who was the individual you said  
5 that reported that, again?

6 A. Sadia Ravate, R-A-V-A-T-E.

7 Q. Is it your position that that  
8 particular incident in August of 2022 violated  
9 the terms of this administrative leave placing  
10 Gengler on admin leave?

11 A. Yes.

12 Q. Okay. Anything else? Any other what  
13 you're claiming are improper appearances by  
14 Gengler in any UHD school-related functions?

15 A. In June of 2022 I had reported to  
16 Lauri Ruiz that he had made an unorthodox  
17 contact with my administrative assistant who  
18 sits next to me to discuss this, what we're  
19 looking at here. That was just a few weeks  
20 after, and he provided contact information and  
21 phone number they exchanged in order to discuss  
22 it.

23 Q. And what was the name of your admin  
24 assistant?

25 A. Robin Read.

1 Q. Okay. And what exactly happened  
2 then? So he had communication with Robin Read  
3 and wanted to discuss with Robin Read what  
4 exactly?

5 A. It was via LinkedIn and it was  
6 through sort of like a chat and the outcome  
7 of that message was, "Here's my number" --  
8 Dean Gengler telling my administrative  
9 assistant, "Here is my number. Give me a call,  
10 and I'll tell you all about it," or something  
11 to that effect.

12 Q. Okay. And was this information that  
13 was relayed to you through Robin? Robin Read  
14 informed you of all this?

15 A. Correct, she reported it to me -- I'm  
16 sorry.

17 (Simultaneous speakers.)

18 Q. No, no. Go ahead. That's what I was  
19 going to ask you. Go ahead.

20 A. Oh. Yeah, I was going to say she  
21 reported it to me; and then I reported it to  
22 Lauri Ruiz.

23 Q. Okay. And what's your understanding  
24 of what happened with your report on that?

25 A. I don't know.

1 Q. Did Robin Read actually show you the  
2 written chat between her and Gengler?

3 A. I don't recall.

4 Q. Okay.

5 MR. CONTRERAS: Hold on. Give  
6 me one second.

7 Q. (BY MR. CONTRERAS) Is Robin Read  
8 still employed at UHD?

9 A. She retired last week -- two weeks  
10 ago.

11 Q. And was she an individual that was  
12 under your direct supervision?

13 A. Correct.

14 Q. And how long did she work for you?

15 A. The entire time that I was there.  
16 She was there before me, and then -- so  
17 September 2021 until January 2024.

18 Q. Okay. You're aware that Gengler  
19 serves on the board for the Asian Chamber of  
20 Commerce, right?

21 A. Correct.

22 Q. Okay. So would it be fair to say  
23 that maybe you -- the information that you  
24 received was incorrect and that he was simply  
25 appearing as a board member of the Chamber of

1 **Commerce that he, obviously, has involvement**  
2 **in?**

3 A. How did he become the board? He  
4 became the board through contributions of the  
5 Marilyn Davies College of Business.

6 **Q. Do you know that for a fact?**

7 A. Yes. We were significant sponsors  
8 annually to the Asian Chamber of Commerce as  
9 well as our gala, which is why we were at that  
10 particular event as a sponsor. His title on  
11 their website throughout this investigation  
12 continued to say, "Dean of Marilyn Davies  
13 College of Business," to the point where I  
14 actually had to inform them in May of this year  
15 that they -- so a year after what we're talking  
16 about here, I then had to write to the Asian  
17 Chamber of Commerce to inform them to take it  
18 down because they remained having his title  
19 associated with his board membership.

20 Additionally --

21 **Q. Okay. So --**

22 A. Oh, go ahead.

23 (Simultaneous speakers.)

24 **Q. I'm sorry.**

25 **So at that time, though, when**

1 this incident occurred in August 2022, he was  
2 still officially the Dean. He was simply on  
3 interim leave, correct?

4 A. Correct.

5 Q. So he was still an employee of UHD.  
6 Obviously, being on administrative leave is  
7 significant; but the bottom line is that he was  
8 still, in fact, a current employee of UHD as  
9 Dean in August 2022, correct?

10 A. I believe if we pull up that letter,  
11 he was not to be acting in any capacity as  
12 Dean. And the reason it was reported to me was  
13 my staff member said that he was leading people  
14 to our MBA table to talk about MBA recruitment.  
15 And so that then made my staff member  
16 uncomfortable.

17 But, also, she's an hourly  
18 employee and so it became another issue when he  
19 suggested that her and Liz Tran, another staff  
20 member for the Marilyn Davies College of  
21 Business, stay later than their assigned  
22 reported time to attend a happy hour that he  
23 would then give them tickets. Well, as an  
24 hourly employee, that causes implications and  
25 complications.

1                   So they were conflicted and  
2 uncomfortable because if they had stayed  
3 longer, what would that do? I'm their  
4 supervisor. He can't approve; but he was still  
5 showing up with that title, power, and  
6 authority of Dean. And it put them in this  
7 very uncomfortable position when he should not  
8 have even been having contact with them.

9           **Q.    Okay. Did that have any impact on**  
10 **your job as Executive Director?**

11          A.    I mean, yes, absolutely. It's  
12 something that I then had to address with my  
13 staff member. It's something that I then had  
14 to report to Lauri Ruiz, but also talking about  
15 how we navigate hours and time for the week for  
16 staff who have to clock in and clock out.

17          **Q.    Okay. But as far as any direct**  
18 **contact with you, you've already admitted that**  
19 **since the mutual no-contact order was issued,**  
20 **Gengler never contacted you directly, correct?**

21          A.    Correct, not directly, no.

22          **Q.    Okay. Or indirectly, right?**

23          A.    I mean, I think the ones that I  
24 reported would certainly fit my definition of  
25 indirectly.



1           **Q.    Are you referring to him contacting**  
2 **Robin Read on LinkedIn?**

3           A.    Correct and engaging with my staff at  
4 an off-campus event regarding recruitment.

5           **Q.    Who were the staff that were present**  
6 **on that day when Gengler appeared at the Asian**  
7 **Chamber of Commerce?**

8           A.    Sadia Ravate and Liz Tran.

9           **Q.    And they actually saw Gengler there**  
10 **and interacted with him and spoke with him?**

11          A.    Correct, yes.

12          **Q.    Okay.  Are there any other incidents**  
13 **in which you believe Gengler had indirect**  
14 **contact when he wasn't supposed to?**

15          A.    No.  I mean, we later, like, walked  
16 past each other at another event at the  
17 Hispanic Chamber of Commerce event in, it would  
18 have been October of 2022, September of 2022.  
19 We walked past each other at an event, but we  
20 just walked past each other.  But he was also  
21 at the Hispanic Chamber of Commerce event.

22          **Q.    Okay.  And did the University have**  
23 **any business at those events, or was it just an**  
24 **event that you were attending because you were**  
25 **a member of the same chamber?**

1           A.     Similarly, the University is a major  
2 donor. So we had two tables at this luncheon.  
3 The President as well as the Vice -- I want to  
4 say Vice Provost Deborah Bordelon might have  
5 been there. Marilyn Davis was at that table,  
6 along with the Vice President of Advancement  
7 would have been there. And then we had a table  
8 as the Marilyn Davies College of Business as  
9 well.

10                         So there would have been several  
11 of our -- Dean, Associate Dean, Assistant Dean,  
12 as well as a host of students; and then my  
13 team, we were there to set up a vendor table.

14           **Q.     Okay. Have you now told me about all**  
15 **of the indirect contacts that Gengler had with**  
16 **you?**

17           A.     I mean, I don't know if this counts  
18 as an indirect; but, you know, I received an  
19 anonymous report to HR that was filed that HR  
20 then had to contact me regarding an anon- -- a,  
21 quote, unquote, "anonymous complaint" to me.  
22 And the complaint that was recited to me  
23 matched word for word Gengler's response in his  
24 writing that he had provided to the  
25 investigating lawyers.

1           **Q.    And when you say "investigating**  
2 **lawyers," are you referring to Darren Gibson**  
3 **and Aaron McNamara?**

4           A.    Correct. He had provided a written  
5 response to my formal complaint to them, and I  
6 received a copy. And then I received an  
7 anonymous complaint through HR about me and to  
8 me, and it matched word for word what was  
9 presented in his written response.

10           **Q.    And how did you respond or react to**  
11 **that anonymous complaint?**

12           A.    I think I spoke with Chatiqua  
13 Matthews, who serves as the Director; and it  
14 was, basically, I am aware of what the policy  
15 is as it relates to this particular topic.  
16 This is not true nor is it valid; but, also,  
17 it's a part of an ongoing investigation. I've  
18 already provided supporting materials  
19 validating that this is not true to those  
20 individuals, but I am aware that this is the  
21 policy. And I'm going to make sure that I'm  
22 not violating it.

23           **Q.    And what was that complaint about,**  
24 **though?**

25           A.    It was related to consulting or,

1 like, other paid work, like, professional  
2 positions outside of the university.

3 Q. Okay. So it didn't necessarily  
4 relate to matters within your job duties and  
5 role at the university, right?

6 A. No.

7 Q. No, that's not correct; or that is  
8 correct?

9 A. No, I'm saying it did not relate  
10 directly to my job.

11 Q. Okay. Anything else in addition, or  
12 does that cover any other type of indirect  
13 contacts that you're claiming Gengler had while  
14 he was on administrative leave?

15 A. It very narrowly fits it; but after  
16 the first preliminary report was issued,  
17 Dean Gengler then started contacting those who  
18 interviewed and who had already sort of  
19 validated their responses to the investigation  
20 and then asked to change what they reported and  
21 then, you know, said the whole thing is lies,  
22 of course; but he began sort of like  
23 intimidating those who participated in the  
24 interview process to change their statements.

25 Q. And did you make that known, or did

1 you file a complaint or inform anyone at the  
2 university about these actions?

3 A. Yes, Lauri Ruiz.

4 Q. Okay. And is that in writing  
5 anywhere in any document that you produced in  
6 the case?

7 A. Yes, it would have been a part of my  
8 e-mail communication to Lauri in January of  
9 2023. We also jumped on a Zoom call where it  
10 was Lauri, as well as she had a witness  
11 present. It was a new Title IX person,  
12 Coordinator Officer within her office, who was  
13 in the background and joined the meeting as  
14 well. And I continued to underscore and  
15 emphasize how I'm continuing to operate in a  
16 hostile environment, and these were the reasons  
17 why. I continued to deal with his outfall that  
18 related to the investigation. So it would have  
19 been written as well as verbally on the call in  
20 January of 2023.

21 Q. Okay. And, to your knowledge, what  
22 occurred as a result of those additional  
23 contacts with Lauri about Gengler?

24 A. They were dismissed. It was part of  
25 a request for me to seek additional protective

1 measures as a result of what I had been  
2 experiencing and the prolonged investigation,  
3 and the response came back that I would not  
4 receive any protective measures.

5 Q. And did you feel that that was  
6 somehow -- did that have any adverse impact on  
7 your job itself as Executive Director, or were  
8 these simply concerns that you raised to make  
9 the EOS office aware of these actions that  
10 Gengler was taking while he was on  
11 administrative leave?

12 A. I would say the former. These were  
13 certainly absolutely adverse actions that I  
14 was receiving as it relates to my overall  
15 emotional, mental health, safety, and capacity  
16 with in the workplace.

17 MR. CONTRERAS: Okay. The next  
18 exhibit is the Mutual No-Contact Order, and  
19 I'll go ahead and shoot that over. It's  
20 Exhibit Number 7.

21 (Exhibit 7 marked.)

22 Q. (BY MR. CONTRERAS) All right. This  
23 is the Mutual No-Contact Order. Do I need to  
24 enlarge it for you?

25 A. Please, yes.

1 Q. And as you can see, the order is  
2 basically that yourself and Gengler are not to  
3 have any contact between you two. "Scope of  
4 the order: In person, via telephone or  
5 electronic means, via third parties, through  
6 any other medium." Did you comply with this  
7 order?

8 A. I did.

9 Q. And then if you go to the second  
10 page, it references "Nonverbal contact used to  
11 threaten or intimidate may also constitute a  
12 violation of this order, such as: Body  
13 language, proximity, or other physical cues to  
14 communicate" and that it was in effect pending  
15 the investigation of the formal complaint, your  
16 formal complaint. And the enforcement of the  
17 policies and reporting violations.

18 So is it your position that what  
19 we just went over and what you just recounted  
20 to me was you reporting possible violations by  
21 Gengler of the Mutual No-Contact Order?

22 A. Correct.

23 Q. Okay. And it's your understanding,  
24 though, that -- or it's your testimony here  
25 that despite you reporting these violations of

1 the Mutual No-Contact Order, no action was  
2 taken by the University? Is that your  
3 testimony?

4 A. Correct. I think there's additional  
5 later -- I'm sorry. Go ahead.

6 Q. I'm sorry. What was that?

7 A. Are you sure?

8 I was going to say that I think  
9 there's an additional layer to this as well  
10 that I continued to report.

11 Q. Okay. What is that?

12 A. But I can save it for the end if you  
13 want to continue with your next question.

14 Q. Well, no, since we're on that point,  
15 go ahead and tell me. What is the additional  
16 layer that you're telling me about?

17 A. Sure, sure.

18 Part of my request for  
19 additional measures in January was, you know,  
20 those were the specific -- the specific times.  
21 What also was occurring that I became aware of  
22 was he continued to contact individuals within  
23 the Marilyn Davies College of Business and  
24 spreading false truths about me in terms of,  
25 like, my motivations for filing this complaint,



1 that I am lying about everything that I filed,  
2 and that I do this at every university, right?

3 And so those things became part  
4 of the narrative within the working environment  
5 that made it very uncomfortable for me to be at  
6 work, to work with my colleagues in committee  
7 work, to work with my colleagues to accomplish  
8 the job that I needed to do to be successful.  
9 And so it became very difficult to maintain  
10 working relationships in the environmental, all  
11 of which I also reported to Lauri Ruiz.

12 And so there were a lot of  
13 darts, I would say, of character defamation,  
14 assassination, gaslighting that occurred  
15 throughout this time period that I very much  
16 made Lauri Ruiz aware of. While some  
17 individuals came to me, others were documented  
18 in written declarations under penalty of  
19 perjury through Gengler's lawyer and further  
20 validated and affirmed that my experiences of  
21 what I was receiving was true.

22 **Q. And who were those people within the**  
23 **college that he contacted?**

24 A. Robustly, I can't give you, like, you  
25 know, name for name; but the ones that were

1 most impactful to me were I know that he  
2 maintained conversations with Dr. Liu, the  
3 Chair of the Department of Accounting, which is  
4 a critical program that I work with.

5 I know that he had conversations  
6 with Dr. Candace TenBrink, professor in  
7 Management. We used to do a lot of recruitment  
8 and outreach together. We no longer engage --

9 **Q. What was that last name?**

10 A. TenBrink, T-E-N-B-R-I-N-K.

11 **Q. Okay.**

12 A. And she was one of the individuals  
13 who was contacted by Dean Gengler, who he tried  
14 to coerce into changing her statement.

15 Another one would have been -- I  
16 lost my train of thought -- oh, Marilyn Davies.  
17 Marilyn Davies wrote an actual written  
18 declaration under penalty of perjury; and in  
19 it, it actually talks about, you know, my  
20 motivations for wanting to file a report  
21 because I didn't get comp time for my birthday,  
22 I guess, is what he's telling people. And so  
23 Marilyn Davies wrote something similar to that.

24 Darren Wolf also wrote something  
25 attesting to things that just completely are

1 not true about my employment history and my  
2 motivations for doing this.

3 And so those things began  
4 spreading throughout the college, and so I have  
5 to then walk into meetings being perceived as  
6 this person that he painted me as, without any  
7 vindication, validation, substantiation when  
8 it's just not true.

9 Q. Did Dr. Liu personally tell you that  
10 Gengler contacted him [sic] about you?

11 A. No.

12 Q. Then how do you know that?

13 A. Through a mutual colleague.

14 Q. Okay. So you heard secondhand?

15 A. I suppose; but, I mean, I think all  
16 of this can be validated in, like, a -- you  
17 know, it can be validated.

18 MR. CONTRERAS: Objection,  
19 nonresponsive portion.

20 Q. (BY MR. CONTRERAS) So you were not  
21 privy, you did not hear or observe the  
22 conversations or communications that Gengler  
23 had with Dr. Liu; this is everything that you  
24 heard secondhand about Dr. Liu's communications  
25 with Gengler, correct?

1 A. Correct.

2 Q. The same thing with Dr. Candace  
3 TenBrink?

4 A. She came to me directly with the  
5 info- -- no, actually, I can say yes because as  
6 she was standing in my office telling me about  
7 him contacting her, he received a phone -- she  
8 received a phone call and she literally held up  
9 the phone and it said, "Charles Gengler." So  
10 he actually contacted her while she was sitting  
11 in my office telling me about these things.

12 Q. Did you actually hear their  
13 conversation firsthand?

14 A. No.

15 Q. Okay. So you don't know what they  
16 actually talked about because you didn't hear  
17 that conversation, correct?

18 A. I know what they talked about because  
19 that's what Candace TenBrink told me.

20 Q. Okay. But you didn't actually hear  
21 their conversation, right?

22 A. No.

23 Q. And just to make sure that I'm clear,  
24 what exactly did Dr. Candace TenBrink tell you  
25 about her conversation with Gengler?

1           A.     That, obviously, the preliminary  
2     report had been issued at this time. So it  
3     would have been November of 2022 and that he  
4     was furious and that he wanted her to change  
5     her statement, that the investigators changed  
6     their words around; clearly, she didn't say  
7     these things. And so I believe her response  
8     was that she did not want to engage in any more  
9     conversations about this, the investigation or  
10    him, and that she kind of wanted to move on.  
11    And then her phone rang with him calling her.

12           **Q.     Okay. And then did you walk out of**  
13    **the room and she took the call, or what do you**  
14    **remember happening?**

15           A.     We were in my office. So she didn't  
16    answer the phone call, but we were in my  
17    office. We talked a little bit more, and then  
18    she had to run to class. I believe she had a  
19    class at 6:00; and this was, like, at 5:55.

20           **Q.     And what was your allegation**  
21    **regarding Gengler's communications to Marilyn**  
22    **Davies?**

23           A.     I think that is documented, right?  
24    Marilyn Davies specifically wrote a  
25    declaration. Again, I don't know the legalese

1 terms; but it was under penalty of perjury and  
2 it was some sort of, like, witness statement.  
3 And, you know, it was basically saying that I  
4 made these things up and that I lied because I  
5 did not get what I wanted. And that is very  
6 much his sort of understanding of the series of  
7 events and so...

8 **Q. Okay. And do you have any personal**  
9 **knowledge that Gengler influenced her or told**  
10 **her what to say in a written statement, or is**  
11 **that just something that you just heard**  
12 **secondhand?**

13 A. That was something that was submitted  
14 to me in a written declaration through Gengler  
15 and his attorney.

16 **Q. And when was that communicated to**  
17 **you, or when was that provided to you?**

18 A. It was provided to me January or  
19 February of 2023, but it was written and dated  
20 around November or December of 2023. And so  
21 the importance --

22 MS. OWENS: 2022.

23 A. Of 2022. Excuse me. December of  
24 2022, and then it was presented to me in  
25 February of 2023. And the importance of that

1 is I continued to share with Lauri Ruiz in my  
2 request for additional protective measures,  
3 like, what this environment is happening around  
4 me in terms of him character assassinating me  
5 on false truths. And the response that I got  
6 was, "I don't think that that's happening."

7 And then we later received these  
8 declarations that they basically put in writing  
9 to everyone that this is happening, but I knew  
10 that it was happening.

11 Q. But you're not suing Gengler in this  
12 lawsuit; you're suing the University, right?

13 A. Correct.

14 Q. You're not suing Gengler for any kind  
15 of defamation claim, are you? You don't have  
16 another lawsuit against him for that?

17 A. Not at this time.

18 Q. Okay. Is that something that you're  
19 considering?

20 A. I don't know.

21 Q. Explain to me how the University  
22 would have any responsibility for Gengler, you  
23 know, through his own volitional acts engaging  
24 in these contacts with other individuals with  
25 the College of Business or discussing with them

1 your complaint against him or the outcome.

2 A. That was a lot. One more time,  
3 please.

4 Q. Explain to me how the University  
5 would be able to have any control whatsoever  
6 over Gengler, as you say, making these indirect  
7 contacts to you after he was placed on  
8 administrative leave.

9 A. Right. I think there could be a  
10 conversation in terms of what is appropriate  
11 and inappropriate; but, also, I think this was  
12 a byproduct of a prolonged investigation. I  
13 never imagined, to be honest, that I would be  
14 sitting right here in front of you today.

15 But I think when this  
16 investigation continued to linger on for this  
17 long, that was one of the byproducts and  
18 unintended consequences is that instead of just  
19 going ahead and validating as substantiated,  
20 this went on for a year with no sort of  
21 understanding. And so I think there are a  
22 variety of different things, but the one  
23 solution that I did ask and come up for -- come  
24 up with, "Well, if you can't control him and  
25 you can't control that, control me and give me



1 protective measures." And that is something  
2 that could have been done.

3 MR. CONTRERAS: Objection,  
4 nonresponsive portion of the response.

5 Q. (BY MR. CONTRERAS) What other  
6 protective measures are you claiming in this  
7 lawsuit could have been taken by the University  
8 to protect you? At this point he had been --  
9 Gengler had been given administrative leave and  
10 was specifically instructed by the University  
11 on the terms on the scope of the order what the  
12 order meant, nonverbal contact. What other  
13 protective measures are you telling me in this  
14 lawsuit could have been taken against Gengler  
15 at that point?

16 A. One, conclude the investigation is  
17 all I really wanted, right? Putting in a  
18 timely response to the actual investigation;  
19 and then, secondly, I requested administrative  
20 leave. That was the crux of the January -- I  
21 believe I submitted that either December 31st  
22 or January 1st that my mental health had eroded  
23 as a result of this. "The environment is toxic  
24 and continues to be toxic; and if we can't  
25 control him, so take me out." That was my

1 request was put me on administrative leave  
2 until the conclusion of the investigation.

3 **Q. Did these, as you say, indirect**  
4 **contacts by Gengler result in your termination**  
5 **from your job?**

6 A. No, but it impacted my --

7 **Q. Did the -- go ahead.**

8 A. No, but it did impact my mental  
9 health as well as my ability to show up whole  
10 at the my job.

11 **Q. Explain what you mean by showing up**  
12 **whole on your job.**

13 A. I mean, I continued to face a lot  
14 of, I would say, mental anguish and mental  
15 suffering as a result of the prolonged  
16 investigations, as a result of the continued  
17 actions of the Dean, as well as having to  
18 navigate that working environment with my  
19 colleagues.

20 **Q. Didn't you threaten the University**  
21 **with going to the press if you were not given**  
22 **administrative leave?**

23 A. I did not. I think we're conflating  
24 two sort of -- two or three different  
25 conversations, and I would not say "threaten"

1 would be the appropriate term.

2 Q. Did you raise the issue with the  
3 University that you would go to the press if  
4 you were not given administrative leave?

5 A. It did come up in conversation, yes.

6 Q. Okay. And that's something that you  
7 brought up is saying, "You know, I'm not  
8 getting what I want. So, you know, I'm going  
9 to go tell the press. I'm going to the press  
10 about this." Was it something along those  
11 lines?

12 A. I think words mean things,  
13 Mr. Contreras; but, no, that is not how we  
14 approached that conversation, so no.

15 Q. Okay. Well, then, explain to me how  
16 you approached that conversation.

17 A. I believe it was, I want to say,  
18 around May, end of April or early May; and I  
19 was informed that Dean Gengler had already  
20 been -- his last day would be May 31st and that  
21 the investigation would conclude as a result.  
22 And I appealed in saying, like, "Wait. I mean,  
23 there's still, you know, loose ends to tie up  
24 as a result of a one-year investigation."

25 Lauri Ruiz was in the Marilyn

1 Davies College of Business and she was  
2 promoting Title IX awareness on the first floor  
3 and I believe I had just like walked by and  
4 sort of like just asked to talk about what we  
5 can do. And I had proposed ways of us even  
6 actually, like, working on this  
7 collaboratively.

8 We had an upcoming Marilyn  
9 Davies College of Business college-wide meeting  
10 and I shared with her, again, how this  
11 continues to be a hostile working environment;  
12 but, together, we can come up with solutions,  
13 you know. I said, "You know, what if we  
14 collaboratively present to faculty and staff?"  
15 I said, "I have been trying to navigate within  
16 the bounds and the parameters of this policy as  
17 well as this investigation." And it was  
18 concerning to me that by doing that, no action  
19 had really been taken.

20 And so after a year of doing  
21 that I said, "I have to start figuring out how  
22 to start being the driver of this car for my  
23 own experience and to make myself whole." I  
24 had been looking to the University to do it. I  
25 had been looking to other people to do it; but

1 following their lead, it got me sort of like  
2 nowhere.

3 At the end of the day, I really  
4 just wanted my name to be cleared in this  
5 process as a result of a year-long  
6 investigation; and so I said, "I'm going to  
7 start exploring ways to start doing that and I  
8 don't know what that looks like; but one of  
9 those could potentially be going to the press."

10 **Q. Would another way, as you say, of**  
11 **your name being cleared is you wanting to see**  
12 **Gengler terminated from the university, right?**

13 A. I think that's what I listed in my  
14 formal complaint; but as this continued on,  
15 there continued to be cumulative effects of a  
16 prolonged investigation. So those requests  
17 began changing because I was being assassin- --  
18 my character was being assassinated in the  
19 workplace; thus, creating a hostile working  
20 environment.

21 MR. CONTRERAS: Objection,  
22 nonresponsive portion.

23 **Q. (BY MR. CONTRERAS) Is it fair for**  
24 **Gengler to defend himself in the investigation,**  
25 **including talking to witnesses? I mean, let's**

1 put it this way: You talked to people about  
2 the basis of your complaint against Gengler.  
3 You talked to coworkers, right?

4 A. Yes.

5 Q. Okay. So how was it not fair that  
6 Gengler wouldn't be able to do the same thing  
7 in order for him to defend himself from your  
8 complaint?

9 A. The things that I talked about were  
10 substantiated through a third-party, neutral  
11 factfinding investigator hired by the  
12 University. The material that he was touting  
13 and sharing with individuals were,  
14 unequivocally, a hundred percent false; but  
15 also was the attempt at making my job harder.  
16 And that's exactly what it did.

17 Q. When you told Lauri Ruiz that you  
18 were independently going rogue, what did you  
19 mean by that?

20 A. It meant I continued to go to lawyers  
21 and I continued to go to the University to  
22 request protective measures in hopes of fixing  
23 this; and that was not helping, me partnering  
24 with people. So I independently had to figure  
25 out for myself how to restore my name so that I

1 could be comfortable in sharing my story,  
2 essentially; but that is what I meant. I was  
3 no longer going to depend on other people to  
4 sort of fix this for me.

5 **Q. And do you feel at this time, as you**  
6 **sit here today, now, your name has been**  
7 **cleared; and you've been vindicated?**

8 **A.** No, I think as evidenced by the fact  
9 that we are here, which, again, is nothing I  
10 ever thought I would be in this chair in this  
11 position (laughing.)

12 **Q. I'm going to show you the next**  
13 **exhibit, Number 8.**

14 **But before I do that, you raised**  
15 **your request to take paid administrative leave.**  
16 **Did Lauri Ruiz not explain to you during that**  
17 **whole process that the policy did not**  
18 **contemplate administrative leave with pay for**  
19 **complainants? Was that not communicated to**  
20 **you?**

21 **A.** Not at that time, no.

22 **Q. Okay. Well, being told that now, do**  
23 **you have any reason to dispute that?**

24 **A.** I've seen different models and I've  
25 seen -- applied and so I don't know if I'm in

1 a position to dispute it or not. I do know it  
2 is within the authority of the University of  
3 Houston System and University of Houston-  
4 Downtown to provide it. I mean, it is a  
5 measure; but I don't know if I can dispute that  
6 or not.

7 Q. Isn't it generally accepted that the  
8 person that's placed on administrative leave  
9 pending an investigation is the respondent,  
10 right --

11 A. I'm not a lawyer.

12 Q. -- generally speaking?

13 A. I'm not a lawyer.

14 Q. Okay. Well, within the university  
15 context, within these types of policies that  
16 you discussed with Lauri Ruiz, who provided you  
17 guidance and information and instruction on the  
18 process, the complaint process, isn't it  
19 generally true that the individual that is  
20 placed on administrative leave is not the  
21 complainant, but the respondent, who, in this  
22 situation, was Gengler, correct?

23 A. Again, I'm not a lawyer in higher  
24 education; but I think one of the reasons we're  
25 here is they deviated from what is generally



1 and what truthfully happens several times in an  
2 attempt to protect themselves as well as  
3 Dean Gengler. I put forth one request to  
4 protect me, and that was denied. So that's  
5 what I do know.

6 **Q. And what specific request are you**  
7 **saying was denied to put in place, that Gengler**  
8 **be terminated?**

9 A. Well, that or conclude the  
10 investigation in a timely manner, as wells my  
11 request for paid administrative leave; but,  
12 also, when it became known there was a second  
13 preliminary report, I then pushed back and  
14 said, "That is not the policy, to do a second  
15 preliminary report." So, again, deviating from  
16 what is documented and generally held true  
17 within these circumstances, the University did  
18 not follow those guidelines.

19 And so I guess if what you're  
20 suggesting is true and generally accepted, why  
21 not make an accommodation for me in this  
22 particular case?

23 **Q. And if you had been -- if you had**  
24 **gotten what you wanted, your administrative**  
25 **leave for -- was it the spring of 2023 that you**

1 were requesting that, right?

2 A. January 2023, correct.

3 Q. Okay. If that leave had been granted  
4 and you were -- had gotten paid administrative  
5 leave, what would you have done during that  
6 time period, sit at home and relax or do other  
7 pursuits, I mean, if you were on paid  
8 administrative leave from the university?

9 A. My priority at that time was my  
10 mental and emotional health and safety.

11 MR. CONTRERAS: Objection,  
12 nonresponsive.

13 Q. (BY MR. CONTRERAS) What would you  
14 have done if your request for paid  
15 administrative leave had been granted during  
16 that time period?

17 A. I would have focused on improving my  
18 emotional and mental health while also removing  
19 myself from the very environment that caused it  
20 to erode in the first place.

21 Q. Okay. Anything else?

22 A. In regards to...

23 Q. Things you would have done, you know,  
24 on any given day during the time that you were  
25 on paid administrative leave from the

1 **university if it had been granted.**

2 A. No, I couldn't think beyond that. I  
3 mean, the impetus for that request was we had  
4 just came off of holiday break and I had shared  
5 with Lauri Ruiz that I did not enjoy time with  
6 my family. I did not enjoy time over the  
7 holidays, Christmas and New Years, because I  
8 was not presentable at that time to be around  
9 people. It was a very dark time for me because  
10 I continued to just play over the investigation  
11 the entire time. So, again, my request for  
12 that time was a time to focus and prioritize my  
13 mental health.

14 **Q. Okay.**

15 MR. CONTRERAS: Exhibit Number 8  
16 is going to be Gengler's resignation letter.

17 (Exhibit 8 marked.)

18 **Q. (BY MR. CONTRERAS) Have you ever**  
19 **seen his resignation letter?**

20 A. I have not.

21 **Q. Well, I'll go ahead and show it to**  
22 **you. So then, this will be the first time that**  
23 **you have ever seen it?**

24 A. Correct.

25 **Q. Okay. Well, you do know for a fact**

1 that he's, obviously, no longer at the  
2 university and that he did resign, right?

3 A. I do know he's no longer at the  
4 university. I do not know the circumstances  
5 under which his resignation was tendered.

6 Q. Okay. I'll go ahead and show --  
7 share screen. Can you read this?

8 A. I...

9 Q. Do I need to make it larger?

10 A. Yes, please.

11 Q. Do you see that it says, "Memo to  
12 Deborah Bordelon from Charles Gengler"?

13 A. Correct, yes.

14 Q. Okay. And so that would have been  
15 March 30th -- I'm sorry -- March 20th, 2023;  
16 and it says resignation, right?

17 A. Yes.

18 Q. Can you read that first sentence --  
19 or those first two sentences?

20 A. Yes.

21 Q. Go ahead.

22 A. Up until -- well, it stops. So I can  
23 see, "This is to notify you that I am resigning  
24 from my employment at University of Houston as  
25 of May 31st, 2023. I am stepping down as Dean

1 of the Marilyn Davies College of Business  
2 effective immediately. I am deeply concerned  
3 that in February of 2023 faculty/staff attended  
4 an AACSB conference and told representatives  
5 from a school I was interviewing with that I  
6 was no longer Dean and was resigning from the  
7 University. This was brought up when I visited  
8 their campus for a final interview which ruined  
9 my chances of finding employment there after a  
10 nine-month interview process. This seems to be  
11 contrary to our agreements. Please ensure this  
12 behavior is not repeated, and I will try to  
13 find another opportunity."

14 **Q. Okay. So you have no knowledge about**  
15 **what he's referencing here other than the fact**  
16 **that you know that he's no longer employed**  
17 **there and that he left the university effective**  
18 **May 31st 2023, correct?**

19 A. Correct.

20 **Q. Okay. And as you mentioned, it was**  
21 **your complaint and the subsequent investigation**  
22 **that resulted in Gengler's departure from the**  
23 **university; is that correct, if you know?**

24 A. I cannot confirm. I would not have  
25 information related to that.

1 Q. Okay.

2 MR. CONTRERAS: Exhibit 9 I'm  
3 going to send over Zoom real quick, Gooden's  
4 Formal Questionnaire.

5 (Exhibit 9 marked.)

6 Q. (BY MR. CONTRERAS) And I'll go ahead  
7 and bring it up on the screen.

8 You indicated in the formal  
9 questionnaire the resolution that you wanted  
10 was that Gengler be terminated, right?

11 A. Correct.

12 Q. That was your notation right there on  
13 this page?

14 A. Correct.

15 Q. Do you see the resolution that you're  
16 seeking? Okay.

17 A. Correct.

18 Q. Yeah. And then the rest of it was  
19 through your attachments, right? You had  
20 attached a letter or your actual written  
21 complaint, right?

22 A. Yes.

23 Q. Okay. So I guess my follow-up  
24 question is: So whether Gengler was terminated  
25 or he resigned, the end result is the same;

1 **he's no longer working at UHD, right?**

2 A. So I would say those are two  
3 questions. Can we break those up?

4 **Q. No, it's actually one question.**

5 **It's whether he was terminated or whether he**  
6 **resigned for whatever reason, it's the same end**  
7 **result; that being that he's not longer at the**  
8 **university, correct?**

9 A. No.

10 **Q. No? Why is that not correct?**

11 A. So I think asking me what I want on a  
12 formal questionnaire in April of 2023 versus  
13 asking me in January of 2024, you know, it  
14 doesn't consider the context of what happened  
15 throughout that year. One thing that I think I  
16 got out of Dean Gengler's resignation is that  
17 we were both needing, calling, requesting,  
18 pressuring the University to close this  
19 investigation. It apparently seemed to  
20 impacting him as well as me. That might be the  
21 only thing we agree on here is that we needed  
22 the University to wrap this up, and they did  
23 not.

24 So one of the things that I  
25 shared with Lauri Ruiz is by following that

1 logic that you just presented, it assumes that  
2 we're following the same blueprint. We have  
3 far navigated outside of the bounds of what was  
4 to be expected in the Title IX investigation.  
5 As such, those byproducts and those loose ends  
6 needed to be addressed. One of those, as we  
7 saw from Dean Gengler, was his interviewing  
8 capacities; and then, for me, it was my  
9 character. None of these things would have  
10 happened had we resolved this in a timely  
11 manner.

12 MR. CONTRERAS: Objection to the  
13 nonresponsive portion.

14 **Q. (BY MR. CONTRERAS) Does your**  
15 **institutional knowledge of universities include**  
16 **conducting Title IX investigations?**

17 A. I would say, at a novice level, I  
18 began to investigate Title IX investigations  
19 similar to mine.

20 MR. CONTRERAS: Objection,  
21 nonresponsive.

22 **Q. (BY MR. CONTRERAS) Do you have any**  
23 **academic training, credentials, certifications,**  
24 **in Title IX investigations, yes or no?**

25 A. I have a Ph.D. in Educational



1 Administration.

2 MR. CONTRERAS: Objection,  
3 nonresponsive.

4 Q. (BY MR. CONTRERAS) I didn't ask you  
5 about Educational Administration. I asked you  
6 about Title IX investigations. Are you an  
7 expert in the area of Title IX investigations?

8 A. How do you define "expert"?

9 Q. Well, have you ever conducted a  
10 Title IX investigation in your career?

11 A. No.

12 Q. Okay. And the first real experience  
13 or interaction you had with a Title IX  
14 investigation was your own based upon your  
15 complaint against Gengler, correct, as the  
16 Complainant, right?

17 A. That is correct.

18 Q. Okay. So then you're not qualified  
19 to render an opinion regarding how the Title IX  
20 investigation was conducted, correct?

21 A. I don't think that any of us can  
22 determine who is qualified to render the  
23 appropriate way to approach a Title IX  
24 investigation. I believe my training in terms  
25 of being among the top 2 percent of individuals

1 with a Ph.D. in this topic of Educational  
2 Administration qualifies me to speak to and to  
3 adequately research how this should go; but,  
4 also, my complaints are rooted in the fact that  
5 our own policy that was documented and provided  
6 to me was not followed. So I believe that,  
7 alone, as a Complainant, would make me  
8 qualified to determine whether something was  
9 followed adequately or not.

10 **Q. Okay. And that's your opinion -- or**  
11 **whatever you want to call it -- opinion or**  
12 **conclusion as a Plaintiff in this lawsuit in**  
13 **connection with your own complaint against**  
14 **Gengler, right?**

15 **A.** And as a nationally, globally  
16 recognized scholar in the field of Educational  
17 Administration, correct.

18 **Q. But not in the field of conducting**  
19 **Title IX complaints --**

20 **A.** Which fall under --

21 **Q. -- investigations, correct?**

22 **A.** -- Educational Administration.

23 Correct, but it falls under  
24 Educational Administration.

25 **Q. So whether -- so with Gengler gone**

1 from UHD effective May 31st, 2023, that  
2 eliminated, once and for all, the hostile work  
3 environment that you claimed Gengler caused,  
4 right?

5 A. No.

6 Q. And why not?

7 A. As stated earlier, he had -- the  
8 damage was already done by the prolonged  
9 investigation. I continued to have to work in  
10 an environment with individuals who believed  
11 that I have lied and that I am a liar and that  
12 I'm some militant, angry Black man who goes  
13 around intimidating people when I don't get my  
14 way.

15 Marilyn Davies, again, has been  
16 on the record, both in written responses as  
17 well as in the press, as damaging my character  
18 as a result of what the University of Houston  
19 has done. And so, no, I have to still continue  
20 to work; and I'm expected to attend events with  
21 Marilyn Davies. I'm still expected to attend  
22 events with my colleagues who have been fed a  
23 lot of false truths.

24 We know -- those of us who have  
25 seen this report behind closed doors know

1 that I am telling the truth. Never once  
2 through this investigation, Title IX or even  
3 this one, has anyone actually disputed that my  
4 experience was not real or rooted in severe  
5 microaggressions and pervasive harassment; but  
6 that is not what is known throughout the  
7 environment.

8 And so that is why I continue to  
9 have to make myself feel so small when I go  
10 into working events. I'm not allowed to show  
11 up as my full authentic self and be myself in  
12 events and meetings, walking down the hall. I  
13 have severed all of working relationships  
14 within the working environment. That makes it  
15 incredibly uncomfortable going into the office.

16 I have no sense of community.  
17 This has been incredibly isolating having to  
18 navigate this on my own, but I don't know how  
19 to pivot out other than through this process.

20 **Q. You mentioned --**

21 MR. CONTRERAS: Objection to the  
22 nonresponsive portion.

23 **Q. (BY MR. CONTRERAS) You mentioned**  
24 **that you're nationally known. What do you**  
25 **believe you're nationally known for or**

1 **nationally recognized for?**

2 A. I would say the Ph.D. credentials  
3 stand on its own.

4 **Q. And what are those? What are those**  
5 **credentials?**

6 A. Can you clarify the question? I'm  
7 not sure I understand.

8 MR. CONTRERAS: Court reporter,  
9 can you please read back the last question and  
10 answer?

11 (The requested material was read  
12 as follows:

13 "QUESTION: You mentioned that  
14 you're nationally known. What do you  
15 believe you're nationally known for or  
16 nationally recognized for?

17 "ANSWER: I would say the Ph.D.  
18 credentials stand on its own.

19 "QUESTION: And what are those?  
20 What are those credentials?

21 "ANSWER: Can you clarify the  
22 question? I'm not sure I understand.")

23 **Q. (BY MR. CONTRERAS) Okay. So just**  
24 **the fact that you have a Ph.D. alone is**  
25 **indicative of your credentials? Is that your**

1 **testimony?**

2 A. Correct, in the context of the  
3 question that was phrased, yes.

4 **Q. Okay. What does it mean that the**  
5 **Ph.D. credential stands on its own? Can you**  
6 **just elaborate on that?**

7 A. Well, I would say anyone with a Ph.D.  
8 is sort of known nationally. The rigorous  
9 scholarly process we go through academically as  
10 well as contributing new knowledge to the field  
11 in which we hold represents a great commitment  
12 to be breadth abroad of several different  
13 factors within our field but also that we  
14 contributed significantly in our own meaningful  
15 way to the field in which our Ph.D. represents.

16 **Q. Did your Ph.D. dissertation topic**  
17 **involve conducting Title IX investigations?**

18 A. In the spring of, like, 2016 I took  
19 a policy class in higher education at the  
20 graduate level from the University of  
21 New Orleans.

22 MR. CONTRERAS: Objection,  
23 nonresponsive.

24 **Q. (BY MR. CONTRERAS) I don't think you**  
25 **understood my question.**

1                   **Did your Ph.D. dissertation**  
2 **topic relate to Title IX investigations?**

3           A.     No.

4           **Q.     What was your Ph.D. dissertation**  
5 **topic?**

6           A.     Absolutely. I looked at admissions  
7 policies at urban public universities.

8           **Q.     And what was the fundamental**  
9 **conclusion or finding of your dissertation?**

10          A.     It's twofold. One, I was looking at  
11 the impact of race when admission standards are  
12 changed within urban public universities. One  
13 of the things my findings -- my Chapter 5  
14 really looked at was the notion of signalling,  
15 what do colleges and universities signal to not  
16 only their constituents but external  
17 stakeholders by the policies that they  
18 implement, how does that connect to their  
19 organizational values; but what do they signal  
20 to external stakeholders by implementing and  
21 following those policies, which I would argue  
22 is very similarly tied to why we're here today.

23                   MR. CONTRERAS: Objection,  
24 nonresponsive portion.

25           **Q.     (BY MR. CONTRERAS) So I kind of**

1 touched upon this earlier; but the bottom line  
2 is, as of May 31st, 2023 -- so, you know, it's  
3 been a good year and a half now -- well, let's  
4 see -- yeah, a year and five months, something  
5 like that, that Gengler has been gone from the  
6 College of Business. He's clearly no longer  
7 Dean. He's not a faculty member teaching there  
8 at the university in any capacity whatsoever.  
9 He's gone, right?

10 A. Correct, yes.

11 Q. Okay. So the bottom line is that  
12 since he's been gone, he hasn't been there to  
13 harass you, as you claim he had harassed  
14 previously, correct?

15 A. That is not true, no.

16 Q. How is that not true?

17 A. So while I don't have direct, you  
18 know, items to write down in regards to him  
19 speaking directly to me, again, the byproduct  
20 of this entire prolonged investigation and lack  
21 of addressing the investigation has led to this  
22 continuing to be a hostile working environment.  
23 So I think it --

24 Q. Okay.

25 A. Sorry. Go ahead.



1 Q. Well, I was going to say, you said  
2 hostile work environment; but if Gengler's  
3 gone, then the response question is: Caused by  
4 who at this point?

5 A. Gengler and the University of  
6 Houston.

7 Q. And, once again, is that in relation  
8 to your testimony earlier about the indirect  
9 communications that he's had with other members  
10 in the College of Business?

11 A. No. I would say that would be a part  
12 of it, but not directly.

13 Q. Okay. Then what other testimony can  
14 you tell me about any direct involvement by  
15 Gengler after his resignation May 31st, 2023?

16 A. No, that wasn't -- so the question  
17 that you asked was: Was it in relation to  
18 specifically the indirect that I had faced.  
19 And I would say that indirect communication is  
20 a part of what continues to contribute to the  
21 hostile working environment, not necessarily  
22 him having direct communication with me after  
23 May 31st, 2023.

24 Q. And as we sit here today at this  
25 point, is it your testimony that any and all

1 indirect communications by Gengler in an  
2 attempt to somehow harass you indirectly is no  
3 longer occurring?

4 A. The last that I have received in  
5 terms of that would be in August of 2023. A  
6 really good friend of his had an article  
7 written, again, about me that assassinated my  
8 character and spouted a lot of un- -- false  
9 truths about me that then is out there and, of  
10 course, circulated around the college about me  
11 being a liar and not telling the truth about my  
12 experiences and filing a basically unfounded  
13 Title IX.

14 And then in that, too, each  
15 time these things come out -- you know, they  
16 use the word "unsubstantiated." But we know  
17 that that's not true. These were  
18 substantiated, right? So the longer that this  
19 investigation -- well, it's closed now; but,  
20 you know, without concluding, the world, my  
21 colleagues continue to think that these are  
22 unvalidated and unsubstantiated. And that's  
23 not true. They were.

24 Q. Who was Gengler's friend that had --  
25 was it a news article, what type of publication

1 **was it?**

2 A. If you look up The College Fix, he  
3 went viral in 2019 during the Brett Kavanaugh  
4 testimonies; and basically his comment at that  
5 time -- he's a professor at CUNY, which was the  
6 previous employment of Charles Gengler. And he  
7 went viral by saying, "If you haven't committed  
8 some sort of sexual assault or rape in high  
9 school or college, then you're not a male.  
10 It's a rite of passage. That's why Brett  
11 Kavanaugh should be given a pass to be on the  
12 Supreme Court Justice."

13 So I mention that because I  
14 can't remember his name off the top of my head;  
15 but if you look at that person, that's his  
16 name. He runs a blog, and then his name is  
17 also cited in The College Fix. And he very  
18 much outed himself as a great colleague and  
19 friend of Dean Gengler in that particular  
20 publication.

21 **Q. Was your name --**

22 A. Megan Peppiat [sic] is the author. I  
23 think it was, like, P-E-P-P-I-A-T.

24 And that same individual sent me  
25 an e-mail this past summer telling me that he

1 was writing an article and he requested my  
2 resume. I sent it immediately to my lawyers  
3 because it made me uncomfortable. Yet another  
4 example of causing stress for me in the  
5 workplace. It came to my work e-mail.

6 **Q. Did you turn that over to your**  
7 **lawyers for the lawsuit?**

8 A. I don't know if it went for the  
9 lawsuit. I know that I notified them that I  
10 had received this communication and I would not  
11 be engaging.

12 **Q. And that was not a communication that**  
13 **was sent from anybody at the university, right?**  
14 **It was sent by somebody outside the university,**  
15 **correct?**

16 A. Dean Gengler's friend, correct.

17 **Q. Is Dean Gengler's friend an employee**  
18 **of the Defendants?**

19 A. I believe them to continue to be  
20 colleagues, work colleagues. They worked  
21 together.

22 MR. CONTRERAS: Objection --

23 A. So I don't know the capacity, but  
24 they were both employed at CUNY.

25 MR. CONTRERAS: Objection,

1 nonresponsive.

2 Q. (BY MR. CONTRERAS) So Gengler's  
3 friend is not an employee -- is not employed by  
4 Defendants; he works at CUNY, right?

5 A. Correct, yes. I misunderstood the  
6 question. I apologize.

7 Q. Okay. That's okay.

8 MR. CONTRERAS: Can we just take  
9 a quick five-minute break, bathroom break, real  
10 quick?

11 MS. OWENS: Sure.

12 MR. CONTRERAS: Thank you.

13 Off the record.

14 THE REPORTER: We're going off  
15 the record at in 2:34 p.m.

16 (Off the record from 2:34  
17 to 2:45 p.m.)

18 THE REPORTER: We're back on the  
19 record at 2:45 p.m.

20 Q. (BY MR. CONTRERAS) So, Dr. Gooden,  
21 there are a couple of things that I want to ask  
22 you about. You had made some recordings of you  
23 talking to others at work, right?

24 A. Yes.

25 Q. Okay. I have a total of four. Is

1 that it, or are there more?

2 A. That is it.

3 Q. Okay. Did you make those recordings  
4 with your cellphone, like, you would just turn  
5 it on and put it in your pocket; or how did you  
6 do that? How did you make them?

7 A. Correct, I used my cellphone.

8 Q. Okay. Did you tell those other  
9 persons whose voices were captured on the  
10 recordings that you were recording the  
11 conversation?

12 A. The Gengler and Manrique, no; but the  
13 Dianca Chase one, yes.

14 Q. Okay. And the hour long, 3-minute-  
15 and-40-second one, that was the meeting that  
16 you had with Gengler and Manrique, right?

17 A. That is correct.

18 Q. And, you know, obviously, I'm not  
19 going to play that whole thing and sit here and  
20 listen to it; but when did you make that  
21 recording?

22 A. I believe the date on it is May 18th,  
23 2023; and I might have to...

24 Q. Okay. So that would have been after  
25 Gengler had announced that he was stepping down

1 as Dean but was still employed through the rest  
2 of that month?

3 A. I'm sorry. You have to forgive me.  
4 It's been so long. You're right. It's  
5 May 18th, 2022.

6 Q. Okay.

7 A. The investigation took one year.

8 Q. Okay. So that was the following  
9 month after you started the investigation that  
10 you made the recording, right?

11 A. Correct.

12 Q. Okay. Why did you record that  
13 meeting?

14 A. One, because I had already been  
15 informed by Lauri Ruiz that the University had  
16 secured an attorney, essentially, Littler  
17 Mendelson; and that had me very spooked and  
18 scared (laughing.) And so I then sought legal  
19 counsel.

20 Although they were to be a  
21 neutral factfinder, I was still somewhat  
22 unclear of how to make sure I was protected  
23 throughout this investigation, knowing that  
24 they were hired by the actual University. And  
25 so I met with a lawyer; and through legal

1 counsel, I was informed of the laws on  
2 recording in the state of Texas, what's allowed  
3 and what's not allowed. So that was, like,  
4 Number 1.

5               Number 2 was I was having an  
6 uncomfortable conversation regarding something  
7 that I felt was very simple and was clearly we  
8 were not on the same page; and so I wanted to  
9 make sure that we both sort of, like, had an  
10 understanding coming out of that meeting what  
11 was going to take place and what we agreed upon  
12 for the topic of the meeting.

13               But, third, knowing that I had  
14 already filed a complaint, I knew that there  
15 was a chance that he was going to say something  
16 or do something additional to become another  
17 item to add. So as another way to sort of  
18 substantiate that I had been facing a hostile  
19 working environment, I chose to record.

20               **Q. Okay. And in that recording you were**  
21 **referencing your request for comp time, right,**  
22 **compensatory time?**

23               A. Yes.

24               **Q. And there was a back-and-forth**  
25 **discussion about that, an extended discussion.**



1 Would that be fair to say?

2 A. Correct.

3 Q. And that's really kind of the main  
4 thing, right, unless there was something else  
5 because I listened to it; and that was pretty  
6 much what, really, the entire meeting was all  
7 about. Would that be a correct  
8 characterization?

9 A. While that was the purpose of the  
10 meeting, that's not everything that was  
11 discussed.

12 Q. Right. I mean, there were other  
13 things; but that was the main topic, right?

14 A. That was the purpose of the meeting.

15 Q. Okay. And, basically, you walked out  
16 of the meeting not getting what you wanted,  
17 this request for comp time, right?

18 A. I can't fully recall. Honestly, I  
19 can't fully recall the details of it. I  
20 believe that he ended up resolving with a half  
21 of a day on Friday and maybe, like, half of a  
22 day on Tuesday, I believe, was the final  
23 conclusion.

24 Q. Right. Okay. But what you were  
25 really asking for was to be able to use kind of

1 an hour-per-hour comp time proposal, that you  
2 had discussed with them what you would like to  
3 do, right?

4 A. I get the spirit of your question and  
5 please know I'm not trying to be difficult;  
6 but, like, the term "hour per hour," for me, I  
7 think, is where we continue to have a  
8 disconnect, right? Like, that was not the  
9 spirit of my request; but I believe that that  
10 is how it was received. And so I believe  
11 that's what caused a lot of the disconnect.

12 Q. Okay. So then just for purposes of  
13 getting it in the record then, what exactly  
14 were you going to Gengler and Manrique and that  
15 you proposed to them that was captured in that  
16 recording?

17 A. Sure. So on May 18th, that day I  
18 had sent an e-mail; and I had listed all of  
19 the nights and weekends, which was every  
20 weekend in May, that I had worked. And I know  
21 it accumulated maybe, like, I don't know, 24 to  
22 30 hours or something like that. And so in  
23 that e-mail, I said, "Hey, here are the hours  
24 that I did work. I'm asking for maybe 16."

25 So when I hear "hour for hour,"

1 I'm thinking, "I worked 30 hours; I want these  
2 30 hours back." And that's just not what I was  
3 asking for. Instead, I was kind of saying,  
4 like, "Hey, here are all the things that I did  
5 to accumulate that 24 to 30. May I have half  
6 of that," was my request.

7 Q. Okay. And it ended, like you said,  
8 you were allowed to take off of half of Friday  
9 and half of Tuesday the following week, right,  
10 as comp time?

11 A. Correct.

12 Q. Okay. And is it -- would it be  
13 correct that in that captured recording,  
14 Gengler made no references to your race, right?

15 A. No.

16 Q. And Gengler also did not make any  
17 comments about your sexual orientation,  
18 correct?

19 A. No.

20 Q. Is that correct or not correct?

21 A. That is correct.

22 Q. Okay. It's correct that Gengler did  
23 not make any comments or jokes about your race  
24 or your sexual orientation, correct?

25 A. There were jokes made but not about

1 those things, yes.

2 **Q. Okay. What were the jokes that were**  
3 **made?**

4 A. I'm sure you heard. It was within  
5 the first, you know, moments of us being in the  
6 office -- in the conference room. He joked to  
7 Dr. Manrique about turning the electricity on  
8 in my chair.

9 **Q. Anything else?**

10 A. And then turning it into an electric  
11 chair.

12 **Q. Okay. Anything else?**

13 A. In terms of the jokes or takeaways  
14 from that conversation?

15 **Q. In terms of any kind of jokes or**  
16 **comments that you thought was improper.**

17 A. Not in terms of jokes, no.

18 **Q. Okay. Any other jokes or comments?**

19 **And did you interpret -- were**  
20 **you offended by this electric chair joke, that**  
21 **you were sitting in a chair with electricity?**

22 A. A hundred percent, yes.

23 **Q. What do you recall was actually said?**  
24 **Was it the word, "the hot seat"? Is that the**  
25 **word that was used?**

1 A. It was, "Turn the electricity on."

2 So, you know, we had a scheduled  
3 meeting. They were in Dr. Manrique's office.  
4 So I went to Dr. Manrique's office first and  
5 asked if we were going to meet in here; and  
6 they said, "No, let's go to the conference  
7 room."

8 So that's when we walk into the  
9 conference room. And I think I made a comment  
10 of, "I'm a creature of habit" -- something like  
11 that -- "but I feel like I sit in the same  
12 chair every time I come into this room."

13 And then that's when he goes to  
14 Dr. Manrique and tells him, "We should turn the  
15 electricity on in that chair."

16 And so, like, I ignore it, don't  
17 say anything; Dr. Manrique didn't say anything.  
18 And so he repeated it again. I don't react  
19 again.

20 So then he goes, "You say you  
21 sit in the same chair. I was telling Manrique  
22 we should turn the electricity on in that  
23 chair." And I finally acknowledge it so that  
24 we can just, like, move on and let it go;  
25 but...

1           Q.    Okay. Did you interpret that to be  
2 an improper comment or unprofessional comment?

3           A.    Absolutely, yes.

4           Q.    Okay. And anything else stated by  
5 Gengler in that recording that you interpreted  
6 to be improper or inappropriate?

7           A.    We can unpack the ways. So I think,  
8 you know, one, that continues to illustrate  
9 that I continued to face this type of bullying  
10 and harassment. It also happened nearly a  
11 month after the event that caused me to file  
12 my Title IX report. He should not have even  
13 been in a position to engage with me like  
14 that, right? And so that by not addressing  
15 this in a timely manner, I then was subjected  
16 to further -- and that's just one of several  
17 examples that I have during that timeframe.

18                   The other thing is I think we  
19 learn of differential treatment on that  
20 particular call as well. You know, the reason  
21 it sounded very unorthodox for people to  
22 request this is I learned in that conversation  
23 and on that recording that other people had  
24 been flexing. Had they worked late, they would  
25 come in a little bit later in the morning.

1 That option was never presented to me; but that  
2 is something, I guess, that they shared amongst  
3 themselves or that they were doing and self-  
4 regulating themselves. That option was never  
5 presented to me.

6 So I was working through nights  
7 and weekends and continuing to do that, and so  
8 that policy was never shared with me. And  
9 that's one of the things I tried to underscore  
10 was like: That's why we have policies.

11 **Q. Okay. Aren't you an exempt employee?**

12 A. I am.

13 **Q. Okay. So then how would that apply**  
14 **to you, those policies?**

15 A. I think what -- we have a university  
16 and institutional policy that states that any  
17 staff member can request of their supervisor to  
18 lean on a flex time or a comp time policy. So  
19 although there is the broader, I guess, FLSA  
20 policy, we had an institutional policy by which  
21 members of the community and the university  
22 use, whether they're exempt or not.

23 **Q. Okay.**

24 A. And so in my first request, he said  
25 that he was not allowed to. So that showed to

1 me that he wasn't even aware of the policy. I  
2 then followed up in an e-mail providing him  
3 with the policy.

4 **Q. And what happened after that?**

5 A. It was ignored. And so I then shared  
6 with him that, "We have other staff who are  
7 requesting. How should I proceed?" It was  
8 only until -- it was only then, when I had  
9 mentioned other employees wanting to have comp  
10 time, that he scheduled a meeting on my  
11 calendar for later that afternoon. When it was  
12 the topic of me and my comp time, it was not a  
13 pressing matter. It was ignored. It was not a  
14 conversation; but when I put other people on  
15 the table with the same conversation, then it  
16 became a pressing matter.

17 **Q. Okay. And is there anything else**  
18 **that you would like to unpack at this time**  
19 **about that recording that came out?**

20 A. The other things that we hear was  
21 just the amount of work that was added to me  
22 outside of my job description also became a  
23 topic. And so I think it's important to know  
24 that when we talk about the issues that I have  
25 within the current work environment, that



1 Marilyn Davies literally put in writing and is  
2 in the Houston Chronicle and Inside Higher  
3 Education saying that I'm doing false  
4 allegations because I didn't get my request for  
5 comp time and that I didn't get a promotion,  
6 these conversations are clearly indicating they  
7 occurred on May 18th. I filed my report  
8 April 25th.

9 He believes and continues to  
10 believe and is telling people that I asked for  
11 comp time and I didn't get it for my birthday  
12 because that was May 18th, and the University  
13 put him on notice May 23rd. So he thinks that  
14 happened right after. My report was filed four  
15 or five weeks before this, six weeks before my  
16 birthday. And therein continues to lie the  
17 problem: So who gets to substantiate my claims  
18 and clear my name with my colleagues?

19 **Q. What additional work are you saying**  
20 **was added that was outside of your job**  
21 **description after that meeting?**

22 A. No, it was things that had led up  
23 to that meeting. So there were three sort of  
24 like ad hoc roles that I continued to operate  
25 in. One was as a Digital Communications

1 Manager. I received that in -- by October  
2 of -- gosh -- 2022. He had added that to my  
3 plate, and it was a substantial role. And he  
4 admitted that it's not part of my job  
5 description, but it was a part of my skill set  
6 and I was the only person in the college with  
7 that skill set.

8 And then by January I had become  
9 the Chair of the Business Alumni Conference  
10 somehow, and that falls far outside the scope  
11 of my responsibilities.

12 And then in March of 2022 our  
13 program faculty department -- excuse me -- our  
14 Program Faculty Director, Kevin Barksdale, fell  
15 ill -- he later died from his complications in  
16 June of 2022 -- but he took sick in March of  
17 2022. And there was no one to operate in his  
18 capacity, so I began doing those roles as well.

19 **Q. And do you attribute any of those**  
20 **ad hoc roles as somehow being motivated by**  
21 **discriminatory animus by Gengler against you?**

22 A. I would say yes. It's just a whole  
23 lack of respect and lack of boundaries for me  
24 as an individual; and, also, we can't point to  
25 any situations that I'm aware of where other

1 individuals were subjected to this type of  
2 treatment.

3 MR. CONTRERAS: Objection,  
4 nonresponsive portion.

5 Q. (BY MR. CONTRERAS) When you say yes  
6 to my question of these additional job roles  
7 were due to discrimination, how do you make  
8 that connection?

9 A. Again, it's, I would say, an overall  
10 disregard and lack for me as an individual and  
11 as a professional. Therefore, my boundaries  
12 continued to be pushed, tested, and broken  
13 down; and so he knew that he could put those  
14 things on me. But, also, like, they weren't  
15 assigned to any other people who did not  
16 possess my identities.

17 Q. That you're Black and that you're  
18 homosexual?

19 A. Correct. And this is highly regarded  
20 in the literature as something that happens all  
21 the time primarily to minorities and women  
22 being assigned non-promotable tasks in the  
23 workplace because they are perceived as being  
24 available.

25 MR. CONTRERAS: Objection,

1 nonresponsive portion.

2 Q. (BY MR. CONTRERAS) Are you aware  
3 that at a public university, there are often  
4 employees who cover the duties of vacant  
5 positions or take on other duties as assigned?

6 A. Absolutely.

7 Q. And isn't it true that in your very  
8 job description that we went over, Exhibit 3,  
9 includes taking on job duties as assigned,  
10 correct?

11 A. Correct, I think. Correct.

12 Q. Okay. What are your boundaries,  
13 Mr. Gooden, when you say "boundaries"?

14 A. That is a very broad question. Can  
15 you rephrase?

16 Q. Well, in your answer you said not  
17 respecting your boundaries. Wasn't that your  
18 testimony just now?

19 A. Oh, yes. I would say there was no --

20 Q. Okay. Please explain.

21 (Simultaneous speakers.)

22 A. Absolutely. In terms of, like, my  
23 boundaries, there was no respect for my time.  
24 There was no respect for my personal space.  
25 There was no respect for my identity. There

1 was no respect for my, I would say, like,  
2 mental and emotional safety. There was no  
3 respect for even just things that I would put  
4 on my calendar; or I already said geography or  
5 environmentally, right? Like, he would violate  
6 those boundaries all the time as well.

7 **Q. When you say "personal space," define**  
8 **what you mean by that.**

9 A. As it related to just like me being  
10 in my office and his ways of engaging with me  
11 and approaching me.

12 **Q. Okay. Let's talk about the other**  
13 **three recordings. Is it correct that it was**  
14 **the same conversation captured in three**  
15 **separate recordings with Bianca Chase [sic]?**

16 A. That is correct.

17 **Q. I'm sorry. Dianca. How do you spell**  
18 **her first name, with a "D" or a "B"?**

19 A. "D," Dianca Chase, "D," as in dog,  
20 "I," igloo, -A-N-C-A.

21 **Q. Got it.**

22 **So in that conversation -- I**  
23 **have here that there were three different**  
24 **recordings. One was 15 minutes and 14 seconds,**  
25 **and that's Plaintiff's Bates Label Number 1175.**

1 The second one, Plaintiff's Gooden Bates Label  
2 1176, was 9 minutes and 52 seconds. And the  
3 third one, Gooden Bates Label 1177, 4 minutes  
4 and 10 min- -- I'm sorry -- 4 minutes and 10  
5 seconds. Does that sound about correct on the  
6 times of each of those recordings?

7 A. That sounds about correct.

8 Q. Okay. And you did not tell Dianca  
9 Chase that you were recording her, right?

10 A. That is not correct. I did.

11 Q. Okay. You did tell her.

12 And did you tell her, "I'd like  
13 to record this," and then you started the  
14 recording? And when you told her that, she,  
15 obviously, said yes; or else you wouldn't have  
16 made the recording, right?

17 A. That is correct.

18 Q. Okay. Did you actually capture on  
19 the recording you asking her if it's okay if  
20 you can record and her saying yes, or was that  
21 outside of the recording?

22 A. I can't recall.

23 Q. Okay. Because I didn't hear it, and  
24 I would assume that it would have been in the  
25 first recording the first thing that you said.

1 Would that make sense?

2 A. It does make sense.

3 Q. Okay. But with respect to Gengler  
4 and Manrique, if someone was going to record a  
5 conversation that you were having with them,  
6 wouldn't you want to know that you're being  
7 recorded; or wouldn't you like to be asked to  
8 give consent to being recorded?

9 A. I think it would depend on the  
10 context. I'm not sure I can answer that.

11 Q. Okay. So then you would be okay with  
12 somebody just recording a conversation with you  
13 without your knowledge?

14 A. I think it would depend on the  
15 circumstances and the context.

16 Q. Okay. Well, if Gengler was a  
17 complainant in the complaint and you were the  
18 respondent -- let's put it in that context --  
19 and if Gengler recorded a conversation without  
20 telling you, would you appreciate that; or  
21 would you -- would that be okay?

22 A. I believe Texas is a one-party state,  
23 so as long as one party is aware that the  
24 recording is happening, then that makes it  
25 legal. So I'm not sure, I mean, what we're

1 leaning towards here or how that is helpful;  
2 but that's a very narrow question to ask,  
3 right, like in context (laughing.) So I'm not  
4 sure how to respond.

5 Q. Well, first, you said it depended on  
6 that context. So I put it in context -- well,  
7 first, I asked you, you know, the question; and  
8 you said you can't answer it without context.  
9 Then I give you context; and you can't answer,  
10 either.

11 And, also, I'm not asking you  
12 about, you know, what's legal and not legal.  
13 I'm just saying: Bottom line, within the  
14 context of if Gengler had filed a complaint  
15 against you and you were the respondent and he  
16 had approached you and recorded a conversation  
17 without your knowledge, would you appreciate  
18 that; or would you not appreciate that, bottom  
19 line?

20 A. I don't know how to answer that  
21 question, Mr. Contreras.

22 Q. Well, I gave you one particular  
23 context because you said you needed context,  
24 right?

25 A. Correct.



1 Q. Is that right?

2 And I put it in one particular  
3 instance of context and now you don't want to  
4 answer my question; is that correct?

5 A. It's a hypothetical.

6 MS. OWENS: Objection, form.  
7 Argumentative.

8 Q. (BY MR. CONTRERAS) Why is it that  
9 you can't answer that question?

10 A. I believe it's a hypothetical  
11 question, so I'm not sure. Like, I'm not the  
12 respondent nor was there a complaint filed  
13 against me. And so, you know, you're asking me  
14 to conceptualize something that I did not -- I  
15 haven't had to mentally, like, walk through  
16 that process and whether I appreciate it or  
17 not.

18 I mean, like, the first thing  
19 that comes to mind, you know, without allowing  
20 me to really process, is, you know, if there  
21 were a complaint against me alleging that I was  
22 harassing an employee and then I was being  
23 recorded, likely, there would be nothing on  
24 that recording of value, right?

25 And so quite the opposite, I did

1 file a complaint. We did have the Respondent,  
2 and they further proved that I was being  
3 subjected to a hostile working environment. So  
4 I don't know. It's a lot of things to have to,  
5 like, wrap my mind around in such a small  
6 timeframe regarding something so narrow; and so  
7 it makes it difficult for me to, like, respond.

8 Again, like, I'm not trying to  
9 be difficult here; but that was a lot to try  
10 and process (laughing.)

11 Q. Okay. Well, what about just in the  
12 context that we're in? You're the Complainant.  
13 Gengler was the Respondent. And what if  
14 Gengler had approached you and had a  
15 conversation with you and recorded it without  
16 telling you? Would you appreciate that, or  
17 would you not appreciate that?

18 A. I'm not sure I can answer that  
19 question, Mr. Contreras.

20 Q. Okay. Well, now I'm putting it in  
21 the exact context of this whole case of you're  
22 the Complainant in the complaint you made; and  
23 Gengler is the Respondent. Okay? And, like I  
24 said, what if the roles were reversed here and  
25 he did to you what you had done to him, made a

1 **recording without his knowledge; would you**  
2 **appreciate that or not?**

3 A. I'm not sure. I don't know.

4 **Q. Why are you not sure?**

5 A. Because it's a lot to unpack. It  
6 could potentially be helpful, right? Like, if  
7 someone is claiming, like, I'm bullying or  
8 harassing and we're in this environment and  
9 there's a recording and I don't have anything,  
10 that's one thing. But, like, if you record it,  
11 it substantiates and validates what is  
12 happening.

13 But, also, the purpose of the  
14 meeting was to talk about comp time; and we had  
15 already not sort of like understood or agreed  
16 on the policy. And so the other purpose of the  
17 recording was so that we could understand what  
18 our takeaways were from the meeting; but,  
19 again, like, I don't think it is as narrow as  
20 we're trying to frame it here. And so, like, I  
21 don't feel like I can confidently under oath,  
22 like, respond to what you're asking me here  
23 because there's a lot of moving parts.

24 MR. CONTRERAS: Objection,  
25 nonresponsive.

1 I'll note for the record that  
2 Plaintiff Gooden is simply being evasive and  
3 refusing to answer the question, and I'd like  
4 to certify the question for possible motions  
5 with the Court to force the Plaintiff to answer  
6 this question.

7 Q. (BY MR. CONTRERAS) I'll move on  
8 because we'll go back and forth, Mr. Gooden;  
9 and I know you're just going to keep giving me  
10 these, you know, longwinded explanations as to  
11 why you won't answer the question. But I put  
12 that question in the exact context of the  
13 lawsuit that we're in. There's no  
14 hypotheticals here. There's no: Well, what if  
15 it was this?

16 No, this is: You're the  
17 Complainant, okay? Gengler was the Respondent  
18 in your complaint. What if he did exactly what  
19 you did to him with a recording without his  
20 consent or knowledge? Would you appreciate  
21 that, yes or no?

22 MS. OWENS: Objection to the  
23 extent it calls for speculation. He's answered  
24 the question that he does not know how to  
25 answer the question considering there's some

1 moving parts.

2 If there's another question that  
3 you'd like to ask of Dr. Gooden, you're  
4 certainly welcome to do so.

5 MR. CONTRERAS: The Plaintiff  
6 did not answer the question. He refuses to by  
7 some type of explanations as to why he cannot,  
8 but that's still being evasive.

9 But let's just move on, okay?

10 **Q. (BY MR. CONTRERAS) Let's go to other**  
11 **three recordings. In your conversation with**  
12 **Dianca Chase, in a nutshell, can you tell me**  
13 **why you recorded that conversation and what was**  
14 **discussed?**

15 A. Absolutely. So that was -- she had  
16 already sort of announced that she was sort of  
17 transitioning; and one of the things that came  
18 to my mind was, like, she would not be here  
19 with the university -- well, she's at the  
20 University of Houston System; but she would not  
21 be at UHD. And so she was also one of the  
22 firsthand witnesses of a lot of what I  
23 experienced but, primarily, the safety alert  
24 regarding the tall Black male.

25 And so I had an opportunity to

1 already sort of like talk to Ikea Jernigan  
2 about it, as well as Jamil Thorne; and they  
3 both agreed that it was inappropriate that he  
4 was joking and that it, too, was very  
5 stereotyped and partially racist.

6 And so I had not talked to  
7 Dianca about it and I did not have an  
8 opportunity to -- or won't have an opportunity  
9 to talk to her about it because her last day  
10 was coming up. And so we worked our event  
11 together. It was at the East End Chamber of  
12 Commerce. There was a luncheon held that day  
13 and so we were staffing a table and we began to  
14 have a conversation. And knowing that she was  
15 leaving, I was, like, "Well, is it okay if I  
16 get your perspective on those events and, you  
17 know, everything that's happening before you  
18 leave?"

19 And she said yes. She goes,  
20 "I'm fearless," and that I can record her.

21 **Q. And she was another individual that**  
22 **you spoke to in the workplace that had, I**  
23 **guess, explained that Gengler has a reputation**  
24 **for making improper comments or jokes, right?**

25 **A. Correct.**

1 Q. Is there anything specific that you  
2 recall in that conversation that she said about  
3 Gengler that was inappropriate or that he did  
4 that was inappropriate or improper?

5 A. There are a wealth of things in the  
6 recording.

7 Q. Okay. Why don't you just summarize  
8 them for me?

9 A. Well, I mean, I think, primarily, one  
10 of the things that was shared was how her  
11 performance evaluation was actually, like, five  
12 minutes of her actual evaluation; but the  
13 remainder of it was him bragging that White  
14 people didn't start slavery, that Black people  
15 started slavery and how White people are blamed  
16 for it. And that had nothing to do with her  
17 actual performance evaluation, and I think it  
18 then circled into a conversation about  
19 privilege.

20 And there was, like, another  
21 conversation about porn and making jokes about  
22 porn to Jamil in front of staff, asking Jamil  
23 if he was watching porn on his work computer.

24 And then there was another  
25 conversation regarding him having inappropriate

1 sexual contact with students on a couch that  
2 used to be in his office, among others, as well  
3 as recanting the events that happened around  
4 the safety alert and, actually, the -- how the  
5 individuals in my office felt highly offended  
6 by that comment that he made to them  
7 specifically.

8 Q. Okay. And so these comments that  
9 Gengler made that Dianca recounted to you were  
10 not things that you heard personally, right?  
11 She's telling you secondhand what he said,  
12 correct?

13 A. Correct.

14 Q. Okay. And so why is it that you had  
15 three different recordings of the conversation  
16 versus just one long recording with her of the  
17 entire conversation?

18 A. I can't recall specifically. I do  
19 know that, you know, we were at an event; and  
20 maybe I thought the conversation had ended. I  
21 don't know.

22 I do know we were at an event,  
23 and we were working a table. And when they  
24 went in to lunch, we went around the corner  
25 into a hallway; and sometimes there were people



1 around. And we were having a pretty, I would  
2 say, like, confidential conversation around  
3 some really personal and inappropriate things;  
4 but it was our experience in the workplace.

5 And so I do know people were  
6 walking by and then, like, standing in line at  
7 times. And so I'm not sure, but I believe we  
8 relocated at some time so that we could talk  
9 more. But I don't know the specifics.

10 **Q. Okay. Thank you.**

11 **And when was that, and what**  
12 **event was it?**

13 A. I know that it was May of 2022 and it  
14 was the East End Chamber of Commerce and it  
15 was, like, their educational symposium. I  
16 believe the Dean, Charlie Schwartz, had  
17 attended as well and he kind of like walked by  
18 and we were kind of like -- we had to stop  
19 talking because he was the colleague on campus;  
20 but he attended that event as well.

21 **Q. Okay. And did you have a table up**  
22 **for doing recruiting for the university? Was**  
23 **it, like, promoting recruitment?**

24 A. That is correct.

25 **Q. Okay. Recruitment was really heavy**

1 **emphasis for you in your job, right, or is a**  
2 **heavy emphasis?**

3 A. Correct.

4 **Q. Have you recorded -- made any**  
5 **recordings of you and your subordinates at**  
6 **work?**

7 A. No.

8 **Q. Who else have you recorded?**

9 A. Dianca would be the one.

10 **Q. Okay. Anybody else?**

11 A. As it relates to this, no. I mean,  
12 like, Zoom meetings, for purposes of, like,  
13 agenda keeping, right? Like, for work, we  
14 would have Zoom meetings and things like that.

15 **Q. But, no. I'm talking about**  
16 **conversations that you would capture on your**  
17 **phone, like you did with these recordings.**  
18 **Anybody else at work that you've recorded or**  
19 **just these four that we went over?**

20 A. Just the ones we went over.

21 **Q. Okay. Is Jonathan Davis still the**  
22 **Acting Dean?**

23 A. That is correct.

24 **Q. Okay. And what is your work**  
25 **relationship with Jonathan Davis?**

1 A. I mean, strong, well. We're working.  
2 Anything -- I'm sorry. I was going to say  
3 anything after working under Gengler would be a  
4 breath of fresh air.

5 MR. CONTRERAS: Objection to the  
6 nonresponsive portion.

7 Q. (BY MR. CONTRERAS) And so you have a  
8 good working relationship with Jonathan Davis;  
9 and there's certainly no concerns or issues of  
10 the same nature or character that you had with  
11 Gengler, correct?

12 A. That is correct.

13 Q. Do you feel that since you've made  
14 your complaint against Gengler that you've been  
15 retaliated against in any way by the  
16 University?

17 A. In the traditional sense, no.

18 Q. State to me how you believe that the  
19 alleged harassment that you're making in this  
20 case by Gengler affected your job performance.

21 A. I mean, I continue to reiterate the  
22 fact that, you know, I filed my complaint; and  
23 the lack of its conclusion puts me out here,  
24 both internally at work, whether in a committee  
25 meeting, but publicly, broadly with people that

1 I have to engage with and work with I am listed  
2 and noted as a liar and someone who launches  
3 unsubstantiated, defamatory claims against  
4 individuals. And we know that that's not  
5 accurate, and so that continues to impact how I  
6 maneuver within the environment overall.

7 **Q. So you're saying that there's this --**  
8 **okay.**

9 **So is that everything? Is that**  
10 **your full answer to my question?**

11 A. I believe so, yes.

12 **Q. Okay.**

13 MR. CONTRERAS: Exhibit Number 9  
14 is going to be Gooden's proposal letter.

15 THE REPORTER: I think we  
16 already had 9.

17 MR. CONTRERAS: Oh, we already  
18 had 9?

19 THE REPORTER: I think we're on  
20 10.

21 MR. CONTRERAS: Oh, shoot.  
22 Okay.

23 All right. Exhibit 10, proposal  
24 letter.

25 (Exhibit 10 marked.)

1 Q. (BY MR. CONTRERAS) And give me one  
2 second to just pull it up.

3 Can you read that, Dr. Gooden?

4 A. Correct. I can, yeah.

5 Q. Okay. So, as you can see here, this  
6 is a letter that you wrote to Gengler dated  
7 April 26th, 2022, correct?

8 A. Correct.

9 Q. And so that would have been one day  
10 after you initiated your formal complaint  
11 against him, right?

12 A. Correct.

13 Q. And the subject you put here is  
14 "Proposal to Create the Official Digital  
15 Communication Office & Structure." Was that  
16 something that you came up with, or had that  
17 been assigned by you and this is your work  
18 product? How did this letter come about?

19 A. The letter itself came about --  
20 again, I had been working in Digital  
21 Communications since October of 2021; and  
22 then, what happened, the person -- we had a  
23 digital communications specialist or manager.  
24 That person resigned in February. So I  
25 occupied the full-time role in addition to

1 my current role in addition to the alumni  
2 office.

3 And so what ended up happening  
4 was we held interviews throughout April to fill  
5 that role; and so what I was looking to do was  
6 if I was going to continue to supervise this  
7 particular person, then, I wanted to make sure  
8 that me, as well as my administrative  
9 assistants and office assistants, they were  
10 also supporting the work of that particular  
11 office that was supposed to report to the  
12 Dean's suite; and so it came over to me. And  
13 so the purpose of this was: We need to  
14 establish this as an actual office so that we  
15 can make sure that we have the structure to  
16 support it as well as the resources to move  
17 forward.

18 **Q. Okay. And what was the result of**  
19 **your proposal? Did Gengler approve it?**

20 A. Well, I sent it May 3rd; and then  
21 as of May 18th, you can see we hadn't talked  
22 about it. And so, still, if you listen to  
23 that May 18th recording, you can hear that no  
24 conclusion had come out of it. I was still  
25 awaiting response from -- it's dated

1 April 26th. I sent it May 3rd, but we hadn't  
2 discussed it until May 18th.

3 Q. Okay. And so by that point, are you  
4 basically saying that there was no decision  
5 made in response to your proposal? There was  
6 essentially no response?

7 A. There was no response.

8 Q. Okay. And did you continue to assume  
9 this additional role of Digital Communications  
10 after you sent this letter?

11 A. Correct, so --

12 Q. Go ahead.

13 A. No, no, please.

14 Q. No, no. Go ahead.

15 (Simultaneous speakers.)

16 (Laughter.)

17 Q. I thought I was going to give you the  
18 floor. Go ahead.

19 A. Yeah. What I'm thinking about is we  
20 had talked about what that would look like; and  
21 I believe May 18th we started getting at a  
22 better resolve -- the thing was we were hiring  
23 a new Digital Communications Manager that  
24 started June 1. And two things that I wanted  
25 to get was, one, if he were to be put on some

1 type of leave, I wanted to get it in writing  
2 what this looked like from him, right, and get  
3 something in writing because he had created  
4 these informal structures that existed outside  
5 of policy and outside of the university and I  
6 had no way of sort of like covering me in terms  
7 of what I am doing, what I'm supposed to be  
8 doing.

9                   And so when he gave me the  
10 directive to supervise all of these offices,  
11 that wasn't in an e-mail. No one went to HR,  
12 right? And so my concern was I had all these  
13 unrealistic expectations placed on me and so I  
14 wanted to clarify what that looked like moving  
15 forward.

16                   And so, then, the other thing  
17 that we decided at the end of, like, May 18th  
18 was that he was to then have the digital  
19 communications person report directly to him.  
20 So after that, I then started to try and follow  
21 up to get him to put that in writing so that we  
22 can go to our business person that can make the  
23 change happen before our Digital Communications  
24 Manager started; but he dragged his feet on  
25 that as well. And then, eventually, he got put



1 on leave.

2 MR. CONTRERAS: Objection,  
3 nonresponsive portion.

4 Q. (BY MR. CONTRERAS) What was the  
5 extra monthly stipend that you were asking for?  
6 Did you get that?

7 A. It hadn't been clarified. I didn't  
8 know. I later learned that there's a policy  
9 that talked about additional compensation.  
10 Through my conversations with HR, I learned  
11 about that policy; but I didn't know what that  
12 was.

13 Q. Okay.

14 A. I just knew I was committing a  
15 significant amount of time to that particular  
16 role and it was outside of the scope of what I  
17 was hired for.

18 MR. CONTRERAS: Object to the  
19 nonresponsive portion.

20 Q. (BY MR. CONTRERAS) But in that role  
21 was it revealed that you had a URL that was an  
22 entirely different UHD microsite?

23 A. I don't understand.

24 Q. In this additional role, was it  
25 revealed that you had a URL to an entirely

1 **different UHD microsite?**

2 A. What do you mean? I had a URL?

3 **Q. Yes.**

4 A. Like, for Digital Communications?

5 **Q. Yes.**

6 A. At UHD?

7 **Q. Yes.**

8 A. I'm not -- I don't think I  
9 understand. I know we had a microsite that we  
10 were working on to get digital leads for the  
11 MBA program.

12 We ended up creating a Digital  
13 Communications website; but that would have  
14 been, like -- that was a 2023 thing that we  
15 did, if that's what you're referring to. Like  
16 an office landing page?

17 **Q. Yes.**

18 A. Yeah. No, I believe that was created  
19 this past year. We created that in 2023, if I  
20 understand the same correct website.

21 **Q. Okay. And so, once again, the**  
22 **monthly stipend issue -- request or the pay**  
23 **increases that you had requested for those in**  
24 **support of those additional responsibilities**  
25 **were never responded to or acted upon?**

1           A.     Correct, at this time. Within this  
2     timeframe that we're speaking of, that is  
3     correct.

4           **Q.     Okay.**

5                     MR. CONTRERAS: The next  
6     exhibit, Exhibit 11 -- we're on 11, right?

7                     THE REPORTER: Yes.

8                     (Exhibit 11 marked.)

9           **Q.     (BY MR. CONTRERAS) I'm showing you**  
10    **some answers in the lawsuit. The Parties sent**  
11    **requests for information and answers and such,**  
12    **and this is your response to Request For**  
13    **Admissions that the Defendants sent you,**  
14    **through your attorneys, to answer. And I just**  
15    **want to direct you to Request For Admission**  
16    **Number 3 -- come on already; it's not letting**  
17    **me -- there we go.**

18                     **Okay. Request For Admission**  
19    **Number 3, "Admit that Defendants never demoted**  
20    **you." And your answer to that was, "Deny." So**  
21    **can you just answer my question: Why did you**  
22    **deny that?**

23           A.     It's a gray area. So I think this  
24     was looking for, like, a yes, no, admit, deny.  
25     But what I did share was I did eventually get

1 the structure for the digital communications  
2 role, and we did formalize that in writing.  
3 And it took a long time, but I did eventually  
4 get compensation for that. And then I got  
5 pulled from that, I want to say, in June of --  
6 gosh -- 2023? June of 2023. So I'm no longer  
7 operating in that role, and so it was just more  
8 context behind it.

9 Q. Okay. As we just now discussed.

10 Okay.

11 Now to this Request For  
12 Admission Number 3, we asked you to admit that  
13 Defendants never demoted you; and your answer  
14 is, "Deny." Do you see that?

15 A. I do.

16 Q. So my question to you is: Why did  
17 you deny that Request For Admission?

18 A. Again, I think it fell into this  
19 gray -- I think it leads to a conversation  
20 where we are able to provide more context.  
21 It's not as simple as, like, admit or deny. I  
22 think that that offering of the Digital  
23 Communications Manager is important, so I did  
24 not know -- I didn't want to say "admit"  
25 because that's not a hundred percent true.

1 Q. Okay. So you feel that you were  
2 demoted because your request for money and  
3 structure wasn't approved?

4 A. Excuse me? One more time.

5 Q. You feel that you were somehow  
6 demoted because your proposal for money and  
7 structure wasn't approved; is that right?

8 A. No. I think that's one of the  
9 problems with a one-year investigation. What  
10 we just looked at was 2022. What I just  
11 referred to was 2023. These are like two  
12 completely different things.

13 Q. Okay. Well, let me just ask you  
14 this: What does it mean, in your mind, the  
15 word "demote"?

16 A. I think what I'm considering here is  
17 I was in that role, and I'm no longer in that  
18 role. I was receiving that stipend, and I'm no  
19 longer receiving that stipend. Those job  
20 responsibilities were taken away.

21 Q. Okay. Which you're interpreting as a  
22 demotion?

23 A. I'm saying it's not a full -- I can't  
24 admit to it.

25 Q. Okay. Well, that was a role that was

1 outside the scope of your regular job duties,  
2 correct?

3 A. Correct.

4 Q. Digital Communications, right?

5 A. Correct.

6 Q. So then if it was a role that was,  
7 as you say, taken away from you; but it wasn't  
8 in your scope of regular job duties, can you  
9 just please explain on the record how was it  
10 that you conclude that that's a demotion?

11 A. What I'm saying is I don't know if  
12 putting "admit" there would have been a hundred  
13 percent accurate.

14 Q. Okay. Let's go to RFA Number 4.  
15 "Admit that Defendants never took disciplinary  
16 action against you for any reason." And your  
17 answer was you denied that. So can you explain  
18 the reason why you denied that Request For  
19 Admission Number 4?

20 A. What continues to concern me is marks  
21 on performance reviews, supervisor feedback  
22 that I receive as a result of remaining in the  
23 environment; and so those continue to concern,  
24 the feedback that I get from the University  
25 regarding those elements.

1 Q. Which you're interpreting as  
2 disciplinary action, what you just described;  
3 is that correct?

4 A. Correct, I make connections to those  
5 things.

6 Q. Okay. It's true that you've never  
7 received a written reprimand from work, right?

8 A. That is correct.

9 Q. It's also true that you've never  
10 received a formal disciplinary action for  
11 anything at work, correct?

12 A. Correct.

13 Q. Is it also true that no one's ever  
14 filed a complaint against you for any kind of  
15 job performance related issues?

16 A. I would say that's not correct.

17 Q. Okay. Why is that not correct?

18 A. I mean, again, annually at UHD we  
19 hold these -- what do they call that -- like,  
20 supervisor assessments; and so the way that  
21 these things come out is direct reports can,  
22 you know, basically get feedback. And so I  
23 then meet with my supervisor and I get feedback  
24 on what is put into that tool; and, you know,  
25 one of the uncomfortable conversations I have

1 to have at that time is, "Hey, I'm still  
2 navigating a lot of these things and dealing  
3 with a lot of these things" if there's a  
4 request for me to be more, you know, engaging  
5 and to be more present and to be more involved.

6 I do my job, right, and I do it  
7 very, very well; but, unfortunately, I just --  
8 I haven't been the person that goes to lunch  
9 with the team, right? I don't have the  
10 emotional capacity to be able to do those  
11 things. So I get negative feedback through  
12 those types of tools; and they, I would say,  
13 ultimately are being connected to my overall  
14 performance in the role.

15 **Q. And is that something that you**  
16 **associate with disciplinary action?**

17 A. I mean, it's an uncomfortable  
18 conversation. It's one -- if anytime HR has  
19 to tell your boss to have a conversation with  
20 me, you know, that's not positive; and that's  
21 not the first time that something like that has  
22 happened. There was at least two, three  
23 conversations that have come to me regarding me  
24 being in the workplace that surfaced that the  
25 genesis for them were this particular



1 investigation.

2 Q. And what about prior to that time,  
3 prior to the investigation?

4 A. It would have only been six months,  
5 so no.

6 Q. Okay. Have you ever played  
7 professional football?

8 A. No.

9 Q. Okay. So why did you raise the Damar  
10 Hamlin NFL game injury to Ms. Ruiz as having  
11 something to do with your complaint against  
12 Gengler?

13 A. Absolutely. I would say, one, it was  
14 a show systemically of what the system and what  
15 organizations typically want and what really  
16 should be happening in the spirit of humanity.  
17 And so, for me as a person, again, I was in a  
18 place of, like, high anxiety, high depression  
19 as a result of being within an organization  
20 that failed to protect me.

21 A man died on the field and the  
22 officials -- the owners, the managers, wanted  
23 to continue for the advertisers, for the ticket  
24 sales, for the concession stands, without any  
25 sort of regard for the fact that a man had

1 died. And so the game did not continue.

2 And we saw some of the strongest  
3 individuals, warriors, right, athletes, most of  
4 them being the most physically fit Black males  
5 that we've ever seen being strong; but, in that  
6 moment, they weren't.

7 And, you know, I drew a lot of  
8 connections and parallels, right, like to me  
9 being in this working environment. And I was  
10 literally screaming and asking someone for help  
11 dealing with my anxiety and depression; and I  
12 continued to feel that, as the organization and  
13 the system, U of H represented the NFL owners  
14 saying, "No, we need our advertising. We need  
15 our concession stands. We don't care that a  
16 has man died here. We don't care that the  
17 mental health and mental safety of the NFL  
18 players is what really should be the important  
19 thing here. We want to keep it business as  
20 usual."

21 And so I was the all Black male  
22 on the field, essentially, trying to work; but  
23 I could not show up whole. I was hurting  
24 emotionally and mentally; and I was asking  
25 Lauri Ruiz to be the coach, to call the game

1 here and let me heal. And so I saw those  
2 connections, and that was how I could draw  
3 that.

4 But, also, like, I was -- again,  
5 that was a very low point in time in my life;  
6 but, arguably, that, too, was a display of what  
7 my mental state was at that time as a result of  
8 everything we're talking about right now.

9 **Q. Well, but he actually didn't die. He**  
10 **was just out for -- what was it -- like, ten**  
11 **minutes; and then he was revived, right?**

12 A. Really, I don't know if you want to  
13 say that. You might want to go back off the  
14 record on that one (laughing.)

15 **Q. Am I wrong on that?**

16 A. His heart stopped; but, like, after  
17 everything I just said, that's what you got out  
18 of this, "he didn't die, though"? I believe  
19 his heart stopped medically for an amount of  
20 time to where if your heart is stopped, then he  
21 has been regarded in the press as having died.

22 **Q. Is Damar Hamlin alive as of this day,**  
23 **yes or no?**

24 A. He is.

25 **Q. Okay. So then he didn't die, did he?**

1 A. He died on the field in the moment.

2 Q. Is he still alive as of this day, yes  
3 or no?

4 A. I would Google that, Mr. Contreras;  
5 and we can see if we have the answer to that  
6 question.

7 Q. Is Damar Hamlin still alive, yes or  
8 no?

9 A. He has been revived, yes.

10 Q. Okay. And so when you say "died,"  
11 that's not correct, is it?

12 A. I believe we can pull the reports  
13 that were on the field at the time that will  
14 report that he died; but, I mean, I think  
15 you're focusing narrowly. You asked me why I  
16 sent the e-mail. Those were the parallels that  
17 I drew. It was less about, like, him dying  
18 than the responses of the organization to  
19 protect individuals on the field and make the  
20 right call and do the right thing. So I don't  
21 know if we're focusing on the right thing here,  
22 but that was the spirit of the e-mail that  
23 moved me.

24 Q. Okay. Then at that incident, in your  
25 opinion or in your mind, when that game injury

1 was sustained by Damar Hamlin, what is it that  
2 you're saying should have been the proper  
3 course of action by the NFL or by the football  
4 team?

5 A. I think the overall narrative  
6 following that was the coaches got it right,  
7 and the management of the NFL got it wrong.  
8 They wanted to hurry and get him off the field  
9 and resume business as usual without  
10 understanding the emotional and mental state of  
11 the players who had just lost and experienced  
12 something incredibly traumatic. And so the  
13 owners were then criticized for wanting the  
14 game to continue, but that human element was  
15 missing. And so similarly to me, I --

16 Q. Go ahead.

17 A. No, I was going to say: And  
18 similarly to me, I had been expressing, you  
19 know, that my mental capacities were eroding.  
20 I was experiencing anxiety and depression; and  
21 I was asking: Until we conclude this  
22 investigation, can you please take me off the  
23 field, essentially, was my request.

24 And I was saying -- well, the  
25 other part of this, too, I think, talks about

1 the structure of the organization. I would  
2 take these things to Lauri Ruiz; but Lauri  
3 Ruiz, as the Title IX Coordinator, had no  
4 authority or any, I would say, influence or  
5 power to make the decision. She would then  
6 take some time to float it up to the University  
7 of Houston System.

8           There was no person respond- --  
9 no decisionmaker on the campus to deal with my  
10 particular case. Everything had to be floated  
11 up through the bureaucratic channels to get  
12 things done, similarly to that incident, right?  
13 The coaches decided to make a decision  
14 independent of the management; and, arguably,  
15 it was the right thing to do.

16           **Q. Okay. But your request for FMLA and**  
17 **ADA accommodation requests were not ignored.**  
18 **Lauri Rodriguez [sic] did, in fact, refer you**  
19 **to those processes, correct?**

20           A. But that was not my request. She  
21 did. She gave me a list of resources, many of  
22 which weren't applicable at the time because I  
23 hadn't been at the university long enough to  
24 accumulate time to be able to use FMLA at that  
25 time. And so I circled back and clarified that

1 my requests here were actually for paid  
2 administrative leave, which was the same  
3 treatment that Dean Gengler had received.

4 **Q. Yes, but your positions were**  
5 **fundamentally different. You were a**  
6 **complainant, and he was a respondent that was**  
7 **placed on administrative leave in the position**  
8 **of a respondent. So yourself and Gengler were**  
9 **in two completely different contrasting**  
10 **positions, correct?**

11 A. That is correct.

12 **Q. So you're the founder of a company**  
13 **named Be the Good, right?**

14 A. Correct.

15 **Q. What is that company, and what does**  
16 **it do?**

17 A. It's basically -- well, if it were  
18 actually, like, up and running, it's a small  
19 business development consulting company that  
20 I'm looking to launch and get off the ground.

21 **Q. Okay. So is it not launched yet, or**  
22 **it's still in the works?**

23 A. I would say it's still in the works.  
24 Mostly anything that I've done now has been  
25 for, like, family. So I don't have, like,

1 clients, per se; but it's up and out there.

2 And it's been fun to have it there, but I  
3 haven't had the time to actually engage with  
4 it.

5 Q. Okay. But the website looks like you  
6 can make appointments at this time, right? If  
7 somebody out there is interested, they can  
8 contact you through your company and make an  
9 appointment, right?

10 A. No, they can't.

11 Q. They can't? So are you not accepting  
12 possible business solicitations or people that  
13 are interested in the services of your company?

14 A. No. I mean, I don't have the time to  
15 do it at all right now, so no.

16 Q. Do you have a physical space  
17 currently for the company, or is it all just  
18 pretty much online with you and your  
19 associates?

20 A. I mean, I don't even have associates.  
21 It's me. It's -- I mean, if you want to, think  
22 of it as a hobby. It's something that I  
23 created; but, like, no, I don't have a physical  
24 space. I don't have clients. I don't have  
25 contracts. I don't have marketing. I don't



1 have those things.

2 **Q. Okay. Is it ultimately your goal to**  
3 **get that up and running as an ongoing concern**  
4 **for profit?**

5 A. I would say I was in the position  
6 where I didn't understand where my employment  
7 would lead. I didn't know if, as a result of  
8 filing this complaint, if I would still be  
9 employed. So I started putting things in place  
10 so that I could have a backup plan in the event  
11 that I needed it, and I started going through  
12 training for that.

13 Right now I do have documents  
14 with the university that I do have other paid  
15 outside commitments with the University of  
16 Southern California, and read applications. So  
17 I've been working with them since September,  
18 reading applications for their doctoral  
19 program; and that consumes my time.

20 I don't have the capacity to do  
21 that, but I wanted to make sure that I had that  
22 as a fallback in case I needed to.

23 **Q. Okay. Didn't a prior version of your**  
24 **website include names and pictures of**  
25 **associates?**

1 A. It did, yes.

2 **Q. But the current version does not?**

3 A. I don't recall. I couldn't even tell  
4 you the last time I even went to that website,  
5 but I don't know what's up there or not --

6 **Q. Okay.**

7 A. -- right now.

8 **Q. Have you submitted an outside**  
9 **employment form to UHD regarding Be the Good?**

10 A. I did submit one -- this is when I  
11 really thought I had a client. It may have  
12 been, like, June 2023. I was looking to do  
13 social media -- well, I submitted the form, and  
14 it was just so that I could be able to  
15 broadcast it. And then it came back saying,  
16 like, "You need specific clients," like, right?

17 And so I put it out there like,  
18 "Hey, I want to do business development,  
19 digital marketing."

20 And they didn't sign it and push  
21 it through because they said, "You need a  
22 specific contract with a specific..."

23 And I was like, "Oh, I don't  
24 have those things."

25 I wanted to at least be able to

1 try to get some out. I thought I had a client  
2 coming on board in this past summer, I want to  
3 say; but that did not pan out. We continued to  
4 have conversations; but it never actually,  
5 like, translated to anything.

6 And then that's when I became an  
7 admissions, like, seasonal reserve for Southern  
8 California; and so that takes up my part time.

9 **Q. Okay. Did you submit a form for the**  
10 **application review gig? Is that a paid**  
11 **position?**

12 A. That is, yes; and, yes, I did.

13 **Q. Okay. And how much does that pay, I**  
14 **guess, per month if you can do just an**  
15 **estimate?**

16 A. \$200 a month, maybe 250 on a good  
17 month. It hasn't been anything significant.

18 **Q. Okay. And is it just like a couple**  
19 **of hours a week or something like that?**

20 A. Correct. It's contractual; and I  
21 believe it ends March, April, which is all  
22 stated in my paperwork to the Provost.

23 MR. CONTRERAS: Can we just take  
24 a short break, just a five- or ten-minute  
25 break? And then we'll go back on; and,

1 hopefully, I'll be close to finishing?

2 MS. OWENS: Okay. Sure.

3 MR. CONTRERAS: Okay. Thank  
4 you.

5 THE REPORTER: We're going off  
6 the record at 3:51 p.m.

7 (Off the record from 3:51 p.m.  
8 to 4:01 p.m.)

9 THE REPORTER: We're back on the  
10 record at 4:01 p.m.

11 Q. (BY MR. CONTRERAS) Dr. Gooden, the  
12 job offer letter that we -- that I introduced  
13 as Exhibit 3, that offer letter was from UHD,  
14 right?

15 A. Yes.

16 Q. It didn't say UH System on it, did  
17 it?

18 A. I'm not sure. I don't...

19 Q. Okay. Let me just pull it up again.

20 Okay. This is Exhibit 3,  
21 Plaintiff's job offer letter. Do I need to  
22 enlarge that? There we go.

23 Do you see that offer acceptance  
24 form?

25 A. I do.

1 Q. UHD, right? The job offer is not  
2 from the University of Houston, right?

3 A. I mean, if you look at Bullet  
4 Point 1, it says University of Houston System.  
5 I don't know what that says; but, I mean --

6 Q. I'm sorry. Where is that?

7 A. If you scroll up -- I can only see  
8 the Bullet Point 1, that one; and I see  
9 University of Houston System there. I'm not  
10 sure of the context that it's in, but...

11 Q. Here we go. Let's just go over that  
12 real quick. "To ensure mutual understanding, I  
13 would like to reiterate the nature of the  
14 position below: This position is a full-time,  
15 benefits-eligible, staff position. You will  
16 serve a twelve-month probationary period as  
17 specified in the University of Houston System  
18 Administrative Memorandum," right? That's what  
19 that says.

20 A. Right.

21 Q. The reference to the system, it's  
22 referencing to a memorandum, not as UH System  
23 as a separate employer, correct?

24 A. I don't know. I think you asked me  
25 if this letter mentions University of Houston

1 System, and it does.

2 Q. Okay. Other than that reference, is  
3 there anything else in here that would indicate  
4 that University of Houston System is your  
5 employer?

6 A. In this letter?

7 Q. Yes.

8 A. Oh, I mean, I'm not sure. I haven't  
9 seen this, probably, since the moment I signed  
10 it. So I haven't bonded with it. I mean, I  
11 guess in the bottom right-hand corner -- I  
12 don't know -- is that something you-all put on  
13 as a labeling?

14 Q. Yes, that's just a label indicating  
15 the Defendants because you sued both the system  
16 and UHD, so we just made that for numbering  
17 purposes. See that?

18 A. Okay. Gotcha.

19 I mean, we could probably do a  
20 Control F and see anywhere else it's mentioned.  
21 So, like, I don't -- without the document right  
22 in front of me and parsing through it, I'm not  
23 sure I can answer the question.

24 Q. Okay. All right. Well, I mean, just  
25 for practical purposes, does the job offer

1 appear to come from UHD?

2 A. And the University of Houston System,  
3 the policies that guide UHD.

4 Q. Right, based upon a reference UH  
5 System Administrative Memorandum 02.A.18,  
6 correct?

7 A. Right.

8 Q. Okay. All right. We'll leave that  
9 as that then. That's fine.

10 Okay. Your office for the job  
11 is located on the UHD campus, right?

12 A. Correct.

13 Q. You don't have an office at UHS?

14 A. No.

15 Q. Okay. You don't regularly perform  
16 any work-related job duties at UH System,  
17 correct?

18 A. I mean, as an employee of UHD, I'm an  
19 employee of UHS.

20 MR. CONTRERAS: Objection,  
21 nonresponsive.

22 Q. (BY MR. CONTRERAS) Do you regularly  
23 perform any work-related job duties at UHS?

24 A. Yes, they sign my paychecks. I mean,  
25 I work for -- that's who my employer is.

1 Q. Well, do you go there to the UH  
2 System offices and do any kind of work?

3 A. Oh, no.

4 Q. Okay. Other than your testimony that  
5 UHS signs your checks, do you have any other  
6 indicia of employment by UHS?

7 A. I mean, they're my employer.

8 Q. Are you saying that your employer is  
9 both UHS and UHD?

10 A. Correct. UHD is a subsidiary of UHS,  
11 right? Like, they are a part, a component, of  
12 the system.

13 I think I'm a little confused,  
14 right? I mean, I thought we know that, right?  
15 Am I missing something?

16 Q. Well, I can't answer your questions  
17 for you. I can only ask you questions and you  
18 answer.

19 A. Oh.

20 Q. But let's just leave it as that. I  
21 mean, if that's your testimony that your  
22 employer was both UHS and UHD, that's your  
23 testimony. Okay? So we'll just leave it at  
24 that.

25 But I think you did mention --



1 was there at least one fact witness that you  
2 mentioned that works at the system versus UHD?

3 A. I'm sorry. One more time.

4 Q. Is there any witness in this case --  
5 with knowledge relevant to this case that works  
6 at UHS that you're aware of?

7 A. Oh, Dianca Chase has now left UHD to  
8 work at Main.

9 Q. Okay. But at the time, she worked at  
10 UHD, right, when all this happened?

11 A. Correct.

12 Q. Okay. Thank you.

13 And so all of these comments by  
14 Gengler that you're raising in the lawsuit,  
15 they were made verbally, right?

16 A. Right.

17 Q. Okay. So there was nothing that  
18 Gengler actually put in writing in an e-mail or  
19 any other type of document in which he made any  
20 type of discriminatory remarks based upon your  
21 race or sexual orientation, correct?

22 A. If we include his responses to the  
23 investigation, the responses. I mean, although  
24 I made my initial complaints about the events  
25 that happened, his responses many times in

1 writing to the lawyers were often double-  
2 downing, but also racist, discriminatory,  
3 bullying, and harassing, which could be  
4 completely new cases but also continued to  
5 re-traumatize.

6 MR. CONTRERAS: Objection,  
7 nonresponsive portion.

8 Q. (BY MR. CONTRERAS) So what racist  
9 or improper comment based upon your sexual  
10 orientation did he put in any documents  
11 relating to the investigation? Tell me  
12 specifically -- as you sit here today, tell me  
13 specifically: What words did he put in writing  
14 that were racist or disparaging of your sexual  
15 orientation?

16 A. I would have to refer to his  
17 responses that were written down. It was very  
18 much full of examples.

19 I think I'm also starting to  
20 wane here. I'm starting to get tired. So to  
21 ask me, like, specific materials from the  
22 document; but I know that they were there. I  
23 mean, he doubled-down on jokes that he had  
24 told. He continued to try to explain why they  
25 aren't racist, and then the lawyers would come

1 in and tell him why they are racist; or he  
2 would say that I told the joke wrong and then  
3 rephrase it and reframe it to tell it the right  
4 way and it would still be racist or  
5 misogynistic.

6 Q. Okay. So, I mean, as we sit here  
7 today, though, you can't quote anything that  
8 Gengler wrote in his response to your  
9 complaint, right?

10 A. Okay. So if we want to do that, we  
11 can. I mean, we have the documents; and we  
12 can go through them. But in one of his  
13 responses, he claimed that he never told a  
14 joke about his wife and he claimed that the  
15 joke isn't actually written: I've had a lot  
16 of money and I've spent a lot of them on booze,  
17 women, and -- booze, women, and, like,  
18 travelling or something; and only two of them  
19 were worth -- booze, women, and my wife; and  
20 only two of them were worth it.

21 And he goes, "The joke doesn't  
22 actually go like that; the joke actually goes  
23 like this" and he continues to tell the joke.  
24 And it's actually more harassing and more awful  
25 than what I had actually written because I

1 didn't recall it specifically the way that he  
2 said it.

3 Another time where he did that  
4 was the joke of the two men who were on a date,  
5 where he, in front of me and Brett Hobby, who  
6 identifies homosexual, I told the joke one way;  
7 and in response, he doubles back and corrects  
8 me and says, "The joke is actually said like  
9 this: Why should a waitress obey two men who  
10 are on a date? Because it's a man date."

11 Apparently, I didn't say it  
12 specifically that way, right? And so then he  
13 continued to do it that way.

14 Another way that we can go  
15 through this is the time where we talked  
16 about the Ketanji Jackson-Brown case; and I  
17 said -- and I reported that it made me feel  
18 uncomfortable saying -- "He doesn't understand  
19 why we would limit this to 6 percent of the  
20 population, but whatever."

21 He then goes back and says, "I  
22 didn't say it that way. Dr. Gooden  
23 misunderstands me." And the way he recounts  
24 saying it is equally racist, but he put it in  
25 writing.

1 I think the issue here is he  
2 actually had time to sit down and write those  
3 things. And my other thing is, like -- I think  
4 I'm going on a tangent.

5 I don't care that he is racist.  
6 I should never have known these things or been  
7 aware of his views in the first place. So I  
8 don't necessarily care about his identity or  
9 his identity politics or his culture wars.  
10 None of those should have ever been in the  
11 workplace.

12 But if you want us to kind of go  
13 through one by one a document that you have  
14 access to for me to tell you what is racist in  
15 that document, I'm not sure that's the best use  
16 of any of our time; but we can certainly do it.

17 I lived this experience,  
18 Mr. Contreras; and it's real. And one thing  
19 that has not happened on your side is no one's  
20 disputing the fact that he didn't do or say  
21 these things. So we have a wealth of time that  
22 we can use talking about the ways that UHS did  
23 not address the concerns; or we can go back to  
24 what he did and what he didn't say and act like  
25 they didn't happen. But no one at UHS has ever

1 said that they didn't happen. We know that  
2 they did.

3 MR. CONTRERAS: Objection to the  
4 nonresponsive extended tirade.

5 Q. (BY MR. CONTRERAS) But --

6 A. Tirade, that's what we're doing?

7 Q. Sir, sir, you just yourself described  
8 that you're being longwinded here. I just  
9 asked you a question; and you're giving me a  
10 very long, extensive, narrative answer. And  
11 that's not what I asked.

12 A. For the record, you asked for every  
13 single example that he put in a written  
14 response that was actually identified as  
15 racist; and there are several of them. And you  
16 asked do I have any. And I said "yes," and I  
17 started to go through what you asked for.

18 MR. CONTRERAS: Objection,  
19 nonresponsive portion.

20 Object to Plaintiff's sidebar  
21 comment.

22 Q. (BY MR. CONTRERAS) Mr. Gooden, why  
23 don't we just do this, okay? My question to  
24 you about anything in writing that you  
25 interpreted as being disparaging towards your

1 race or sexual orientation, you're saying are  
2 contained in Gengler's written response to your  
3 complaint, correct?

4 A. That is correct.

5 Q. Okay. Is there anything else, any  
6 other category of documents or anything written  
7 by Gengler outside of that context that was  
8 improper or disparaging towards you to your  
9 race or sexual orientation?

10 A. There may exist documents, but I  
11 don't have full knowledge of everything that  
12 would be out there regarding my race or sexual  
13 orientation in writing.

14 Q. Okay. So when you say "there may  
15 exist," you're just speculating, right, because  
16 you don't know one hundred percent for sure  
17 about that, correct?

18 A. That is accurate. There may be.

19 Q. Yes, you're speculating that there  
20 may be; but you don't know for sure one hundred  
21 percent, correct?

22 A. Correct.

23 Q. Okay. What about anything in writing  
24 by anybody else at UHD or UHS in which they  
25 said they had a problem with you because you're

1 homosexual? Is there -- do you have any  
2 knowledge of that?

3 A. I do not have any knowledge.

4 Q. Okay. Are you aware of anything in  
5 writing, once again, such as an e-mail, in  
6 which anyone else other than Gengler at UHD or  
7 UHS said that they had a problem with you  
8 because you're Black?

9 A. I mean, other than the written  
10 declarations that I had that mentioned, "Isn't  
11 it interesting that Carlos, who is Black, is  
12 calling Dean Gengler a racist, who hired him,  
13 which was Marilyn Davies, right?

14 And so when I go back to those  
15 articles and I read those thing or read those  
16 written declarations that were submitted by my  
17 colleagues and individuals that I work with,  
18 those are the only times where they write to  
19 support his character as a non-racist. And my  
20 identity is brought up both in that as Black  
21 and gay, as well as connected to me and the  
22 President in writing. So those, I think, are  
23 very relevant and would fit the category you're  
24 referring to.

25 Q. So then, the declaration, affidavits,



1 statements that you're referring to by Gengler  
2 supporters, as you've described, referring to  
3 you as either Black or an African American and  
4 identifying your sexual orientation, which you,  
5 yourself, admit, is improper. Is that what  
6 you're saying?

7 A. I believe so, yes.

8 Q. Okay.

9 A. I guess in the spirit of what you  
10 asked me before, if I don't fully understand  
11 the question, to ask, I don't fully understand  
12 that question.

13 Q. Okay. So, well, my question to you  
14 was: Once again, are you aware of anything in  
15 writing in which anyone else other than Gengler  
16 at UHD or UHS made improper or disparaging  
17 comments about you based on your sexual  
18 orientation?

19 A. Yes.

20 Q. Okay. And it's those written  
21 statements, correct?

22 A. That is the limit of what is in  
23 writing that I'm aware of, yes.

24 Q. Okay. Anything else?

25 A. At UHS, no.

1 Q. Okay. Did you personally hear anyone  
2 other than Gengler, anyone else at UHS or UHD,  
3 say that they had a problem with you because  
4 you're homosexual?

5 A. No.

6 Q. Okay. What about the same question  
7 but because you're Black?

8 A. No.

9 Q. The same question about hearing --  
10 other than Gengler, the same question about  
11 anyone -- hearing anyone else make an improper  
12 comment about you because you're Black?

13 A. No.

14 Q. Anything in writing by anyone at UHS  
15 or UHD instructing or encouraging Gengler to  
16 harass you because you're homosexual?

17 A. Anything -- I'm sorry. One more  
18 time, please.

19 Q. Are you aware of anything in writing  
20 in which anybody at UHS or UHD instructed or  
21 encouraged Gengler to harass you because you're  
22 homosexual?

23 A. No.

24 Q. The same question but to harass you  
25 because you're Black?

1 A. No.

2 Q. If you had an e-mail or other  
3 document in which somebody at either UHS or UHD  
4 made an improper comment about your sexual  
5 orientation, would you have turned that over to  
6 your lawyer?

7 A. Yes.

8 Q. Okay. The same question about your  
9 race. If you had anything like that about an  
10 improper comment about your race in writing,  
11 would you have turned that over to your lawyer?

12 A. Yes.

13 Q. Okay. I'm getting close here. I'm  
14 going to try and do my best on wrapping up  
15 soon, hopefully, by 5:00.

16 But let me ask you this,  
17 Dr. Gooden: When did you first start seeing a  
18 therapist or counselor?

19 A. April of -- related to the case, it  
20 would be April 2022.

21 Q. Okay. What about in your life?

22 A. In my life?

23 Q. Yes.

24 A. You want, like, years?

25 Q. Yes. When did you first start seeing

1 a therapist or counselor in your life?

2 A. I think the first time might have  
3 been 2016.

4 Q. Okay. And any particular traumatic  
5 experience or thing that caused that?

6 A. It's kind of personal; but it was a  
7 relationship, a breakup.

8 Q. So you would have been, what,  
9 approximately in your early thirties?

10 A. I think that's fair to say, yes.

11 Q. Around there?

12 A. Yeah.

13 Q. And since that time, since 2016, have  
14 you regularly visited a counselor or therapist  
15 for any, you know, mental health issues or the  
16 need to receive therapy for whatever is going  
17 on in your life?

18 A. Sure. I think I did that in 2016,  
19 and I engaged for a while. And then I want to  
20 say the next time I used a therapist was during  
21 the stay-at-home order, COVID, so maybe like  
22 October 2020.

23 Q. Okay.

24 A. That sounds about right. And that  
25 was just navigating the isolation and stay-at-

1 home order. And then April 2022.

2 Q. Okay. So, basically, three different  
3 times in your life over three different things?

4 A. Sure.

5 Q. Okay. If you could, identify all  
6 physical and mental injuries or conditions that  
7 you claim you incurred as a result of the  
8 allegations you're making in this lawsuit.

9 A. If I can?

10 Q. Yes.

11 A. Well, I think a lot of it was,  
12 obviously, like, mental anguish. My mental  
13 health had eroded. I had developed a severe  
14 anxiety which then led to depression as a  
15 result of this.

16 Q. Okay. Are those a full description  
17 of all the, I guess, ailments or things, mental  
18 anguish, severe anxiety, and depression?

19 A. That's accurate, yes.

20 Q. Okay. And when did these conditions  
21 start -- oh, oh, I'm sorry. I'm sorry.

22 Let me go back really quick. On  
23 these three different times when you had seen  
24 therapists in 2016, during COVID in 2020, and  
25 most recently in connection with your case, was

1 it with all the same therapist; or was it with  
2 different therapists?

3 A. Different. I moved. I lived in  
4 different places each time.

5 Q. Okay. The therapist that you see in  
6 connection with the injuries you're claiming in  
7 this case are in Houston?

8 A. Ideally, yes. I met them in  
9 Houston; but we meet, like, Teladoc, like,  
10 VirtualHealth. So I believe they would have to  
11 be in Texas according to, like, their  
12 licensure; but I don't know if they're actually  
13 in Houston.

14 Q. Okay. So you've never actually been  
15 to their -- like an in-person office visit;  
16 it's all, like, in the way that we're  
17 communicating right now on Zoom?

18 A. For my talk therapist, yes. My talk  
19 therapist would be virtually. So I recently  
20 just started seeing a new one with the new  
21 year, like, December; but the one with Anne  
22 Hicks would have been virtually. And then my  
23 psychiatrists I do have to see in person every  
24 so often, so I have met in person with them.

25 Q. Okay. And is that Bright Stone?

1 A. That is correct. They're in Houston.

2 Q. Okay. So you're currently seeing two  
3 different counselors?

4 A. I would say I stopped seeing one  
5 therapist, and now I'm talking to a new one. I  
6 sort of transferred. And then my psychiatrists  
7 have remained the same.

8 Q. Okay. And, generally, or just at  
9 least a timeframe, when did you start  
10 experiencing these conditions?

11 A. Well, I started seeing -- in April of  
12 2022, I started to talk to them about what I  
13 was experiencing in the workplace; and I had to  
14 kind of figure out -- just kind of get a third-  
15 party sort of like objective view of, like,  
16 what was happening. And what we realized is  
17 that at the time of April, I had been sort of  
18 like chipped away at, right? Those  
19 microaggressions, those paper cuts, those  
20 mosquito bites had been occurring.

21 And so at the time when I  
22 decided to file and I said enough was enough; I  
23 couldn't take it anymore. That was my result  
24 that I came to after being in sort of like  
25 therapy and getting that objective that this is

1 bad. Like, I've been minimizing this,  
2 actually; but this is really, actually, like,  
3 really bad and that I would be valid in  
4 bringing it -- coming forward.

5 **Q. Okay. And was that the psychiatrist**  
6 **in April of 2022, or was that with Anne Hicks?**

7 A. That was with Anne Hicks.

8 **Q. Okay. But she's not a psychiatrist,**  
9 **right? Is she a counselor?**

10 A. I believe so. I'm not sure.

11 **Q. Okay. And are these conditions**  
12 **ongoing up to this day now, or have they**  
13 **subsided? Have you improved? What's the**  
14 **current status?**

15 A. They continue, although, I'm not --  
16 I'm still navigating my anxiety. I'm no longer  
17 in depression at this time, but I'm still  
18 dealing with anxiety in the workplace.

19 **Q. And when did you overcome the**  
20 **depression?**

21 A. The thing about depression is you  
22 don't know you're in it when you're in it.  
23 It's only in hindsight. And so I would say  
24 things started getting better for me around,  
25 like, May 2023; but I also ended up -- the term



1 had ended. I had vacation put in place, and  
2 then I put in for FMLA.

3 Q. Okay. Could you just explain to me:  
4 What types of symptoms, health symptoms, did  
5 you experience with your mental anguish, severe  
6 anxiety, and depression?

7 A. Yeah, absolutely. One of the things  
8 that I really realized was my indications was I  
9 was just like highly irritable, right? I had,  
10 like, a very short attention span as well. It  
11 was very difficult for me to focus with  
12 anxiety. I could feel, like, heart  
13 palpitations. I began breaking out in hives  
14 because of anxiety and stress; and so, like, I  
15 had to take some days off work. I had to get,  
16 like, an allergy test. They were, like, "You  
17 don't have allergies. Like, you just need to  
18 sit down somewhere." So that was in the summer  
19 of 2022.

20 My personal hygiene began to  
21 fail. There would be days where I just  
22 wouldn't shower at all. My friends came over,  
23 did the dishes for me, took out the trash, and  
24 would start cooking for me. I was not taking  
25 care of myself at all. I wasn't grooming,

1 right? I wasn't doing my laundry. My hair  
2 wasn't brushed. Like, my friends literally  
3 came to, like, intervene.

4 And it got to the point where,  
5 you know, when I asked for the administrative  
6 leave, that was my holiday break, right? I  
7 would typically go home and be with my family,  
8 but I was like, "I cannot present myself this  
9 way." I had gained weight. My actual, like,  
10 skin was in bad condition. And so I was, like,  
11 "I cannot let my family see me like this," nor  
12 would I have the actual mental capacity or the  
13 social meter to engage; and that's just not who  
14 I was before this experience at all.

15 And so it took some time to be  
16 able to, like, navigate those things.

17 **Q. Okay. So have those symptoms**  
18 **improved since that time in the summer of 2022?**

19 A. I would say with the help of FMLA,  
20 yes, my depression has not necessarily been an  
21 issue. Again, at the time that I requested  
22 protective measures, they very much were. I  
23 also had the benefit of accommodations for  
24 anxiety in the workplace; but, certainly, when  
25 I do -- I don't always have those. But when I

1 do go in, you know, it's very overstimulating  
2 for me to have to deal with in the workplace.

3 **Q. With Gengler gone, correct?**

4 A. Correct.

5 **Q. Okay. So even with Gengler gone, who**  
6 **has been gone since May of 2023, you still do**  
7 **not feel secure in the workplace?**

8 A. That is correct. I walk -- yeah,  
9 that is correct.

10 **Q. And why is that?**

11 A. I think we sort of talked about it.  
12 You know, we -- I'm continuing to engage with  
13 people who, as a result of this investigation  
14 and this lack of closing, still believe that I  
15 am a liar. I walk into the Marilyn Davies  
16 College of Business. She donated \$10 million.  
17 I wear her name on my Polo. And she literally  
18 says I put out these unsubstantiated -- but we  
19 know they are substantiated; the university  
20 chose a different route instead of  
21 substantiated. So they resolved it for  
22 themselves and for him, and I continue to work  
23 in this environment with my colleagues who  
24 believe that I am a liar.

25 **Q. Has anyone ever actually told you**

1 face to face, "Dr. Gooden, we don't believe you  
2 were truthful and honest; and we, in fact,  
3 think you're lying about this whole thing  
4 against Gengler"? Has anyone ever told you  
5 that?

6 A. I can't recall off the top of my  
7 head, like, specifically, you know, like date  
8 and time.

9 Q. Okay. So but has that happened? You  
10 know, you may not be able to narrow it down to  
11 yesterday at 2:45 p.m.; but has anybody ever  
12 directly to your face in a conversation in  
13 person told you they did not believe any of  
14 your allegations against Gengler in your  
15 complaint and that they think that you're a  
16 liar?

17 A. I would say I'm not sure if I can  
18 answer that, but directly --

19 Q. Why not?

20 A. -- that's a lot to ask, right?  
21 And, also, the way that I'm receiving this  
22 information, it's not necessarily that direct;  
23 but because they're not direct doesn't mean  
24 they're less valid or untrue.

25 Q. So then are you basically suggesting

1 that, without it being directly communicated to  
2 you, somebody thinks that you were untruthful,  
3 that's the feelings that you get when you see  
4 other people or interact with other people is  
5 they give off an impression that they do not  
6 think that you are an honest man?

7 A. That's one part of it. Yes, I  
8 believe that is absolutely accurate.

9 I mean, the other part of it,  
10 too, is, you know, I've been painted by Gengler  
11 as this, again, like, angry, militant, you  
12 know, Black Panther, Black man who goes around  
13 yelling, swearing, and cussing at people and  
14 intimidating people and I could physically take  
15 them. And so he spread those things.

16 And similar to, like, your line  
17 of questioning, that's the same sort of  
18 approach that Lauri Ruiz took. "Well, I don't  
19 think that that's happening," right?

20 And so when I say that I have,  
21 like, a lived experience and this is what I'm  
22 experiencing in the workplace and someone  
23 tells you they don't think that it's happening  
24 because it doesn't fit sort of like this narrow  
25 definition of how you use it, that, to me, is

1 gaslighting.

2 And so when that happened then  
3 and we're sort of trying to, like, narrowly  
4 define my experience now, what happened a month  
5 later is that those affidavits came out that  
6 confirmed for sure that I knew what I was  
7 experiencing in the workplace. I lost a lot of  
8 working relationships as a result of that.

9 Until this day I still don't  
10 speak to a lot of people who were a part of  
11 this investigation, not even a hello walking  
12 down the hallway; or you walk down the hall and  
13 then, all of a sudden, a group of people  
14 disperse and run to different rooms and the  
15 conversation starts. I'm not a part of the  
16 lunch invitations, right? Like, I've been  
17 extremely, like, isolated.

18 Even if I'm in a meeting and I  
19 feel that I need to disagree with my  
20 colleagues, I have to make myself so small when  
21 I go into those conversations because the  
22 baseline conversation for this is that I am  
23 someone who will report or who will make up  
24 things in order to sort of like prove my point.

25 So those are the types of things

1 that I'm continuing to experience.

2 MR. CONTRERAS: Objection to the  
3 nonresponsive portion.

4 Q. (BY MR. CONTRERAS) With regard to  
5 any health issues or mental -- I guess mental  
6 anguish, severe anxiety, or depression, prior  
7 to your employment, did you have any  
8 pre-existing conditions that you contend were  
9 aggravated as a result of the allegations  
10 you're making in the lawsuit?

11 A. In regards to anxiety and depression?

12 Q. Yes, anxiety or depression.

13 A. Correct, I would say I have had it  
14 before. Yes.

15 Q. Okay. So my question is then: Were  
16 any of these pre-existing conditions aggravated  
17 as a result of allegations you're making in the  
18 lawsuit?

19 A. Aggravated by any -- I would say, I  
20 mean, I ended up having anxiety; but they were  
21 all very different reasons why. So were they  
22 aggravated? I guess I would say yes.

23 Q. Okay. How?

24 A. How were they aggravated? I mean,  
25 again, I would consider it to be, like,

1 harassed and bullied every single day, right?  
2 And then, when I actually spoke up and said  
3 something, I was continued to be put in front  
4 of my harasser every single day for another  
5 month.

6 Then, when he was put on leave,  
7 I then continued to report how I felt sort of  
8 unsafe in the environment each month while  
9 dealing with character assassination, which I  
10 also reported to the University; and that never  
11 stopped as well, while continuing to be  
12 expected to perform my functions, which I have  
13 done in my role to the best of my ability and  
14 while continuing to navigate, you know,  
15 responses requested from Littler Mendelson.  
16 That was its own sort of like part-time job,  
17 but also having to produce those deliverables  
18 that took a significant amount of time.

19 Even the information that you  
20 asked me to submit, that was me reliving this  
21 all over again. So that re-triggers all over  
22 again.

23 **Q. When were you first diagnosed with**  
24 **anxiety and depression?**

25 A. I would say the first time would have



1 been 2016 was when I first sort of like learned  
2 about anxiety.

3 Q. Okay. And this most recent stint to  
4 psychiatrists, did they actually -- I mean, are  
5 they able to make a diagnosis; or do they just  
6 do counseling to try and find out what the root  
7 of the cause is and address that and to help  
8 your mental health condition?

9 A. The therapist or the psychiatrist?

10 Q. Both.

11 A. I guess I'm not sure I understand the  
12 question fully. I know the therapist, we would  
13 talk; and, oftentimes, like, we couldn't really  
14 get too deep into it because we were dealing  
15 with the latest thing that week and so just  
16 like kind of catching up on the latest thing  
17 that week because there was never any sort of,  
18 like, peace, calm, or resolve. That tended to  
19 be a lot of what we talked about and, like,  
20 navigating that; but we couldn't quite get  
21 deep, deep because every week, there was, like,  
22 something to be able to have to, like, bring  
23 up.

24 Q. Okay. And so the psychiatrist is  
25 more focused on medication management and

1 providing you with the medication to improve  
2 your condition, while the therapist is there to  
3 talk things through and address issues,  
4 correct, in a nutshell?

5 A. Correct.

6 Q. So in your written discovery answers,  
7 you identify Miranda Sanchez and Chandra Smith  
8 with Bright Stone Psychiatry and Anne Hicks  
9 as -- I guess that would be your therapist with  
10 Doctor On Demand by Included Health?

11 A. Correct.

12 MR. CONTRERAS: And let me  
13 just -- are we on Exhibit 11 or 12?

14 THE REPORTER: I believe 12.

15 MR. CONTRERAS: Exhibit 12 will  
16 be Plaintiff's Interrogatory Answers.

17 (Exhibit 12 marked.)

18 MS. OWENS: Before we go any  
19 further, Court Reporter, how long has  
20 Dr. Gooden been on the record testifying? Can  
21 you give me that?

22 THE REPORTER: Yes. It looks  
23 like five hours and seven minutes.

24 MS. OWENS: Okay. Thank you.

25 MR. CONTRERAS: I'm trying to

1 wrap up and go through this as fast as I can  
2 to, hopefully, be done by 5:00, Rochelle. I'm  
3 getting close, though. Okay?

4 MS. OWENS: Okay.

5 Q. (BY MR. CONTRERAS) So here's your  
6 Interrogatory Answers, and it just might help  
7 to show it to you rather than talk about it so  
8 you can see the information. Here we go. Let  
9 me just...

10 So, once again, as I mentioned  
11 earlier, you know, the parties submitted  
12 information back and forth about the claim and  
13 other information about the lawsuit. And so  
14 can you read that, or do I need to blow it up a  
15 little bit?

16 A. Can you zoom in?

17 Q. Yeah. Can you read that?

18 A. Yes.

19 Q. Okay. Interrogatory Number 12 --  
20 oh, it bumps right over with just one move of  
21 the mouse there -- but in Interrogatory 12, you  
22 identify your healthcare providers, as I  
23 mentioned, with Bright Stone and then Anne  
24 Hicks with Doctor On Demand.

25 And so you go and see Hicks in

1 person, right, because she's the therapist?

2 A. No, that's the tele- -- that's  
3 virtually.

4 Q. Okay. And you see the psychiatrists  
5 in person, right?

6 A. Oh, sometimes we do virtually; but  
7 the regulation states I have to go in every so  
8 often for an in-person.

9 Q. Okay. So how does that work with  
10 Miranda Sanchez and Chandra Smith? They're  
11 both psychiatrists, right?

12 A. Correct.

13 Q. And when you visit them, do you visit  
14 both of them so it's all three of you; or is it  
15 just one or the other, depending upon  
16 scheduling or availability?

17 A. One or the other.

18 Q. Oh, I mean -- okay. So when you go  
19 to Bright Stone, do you visit with both Miranda  
20 Sanchez and Chandra Smith at the same time; or  
21 do you visit with them separately, depending --

22 A. One -- sorry. I was going to let you  
23 finish. I thought you were done.

24 Q. Oh, no, I'm done. Go ahead.

25 A. Oh, no, it's usually one-on-ones.

1 Q. Does that just depend upon who's  
2 available in their scheduling or is there one  
3 you have a preference to or how does that work?

4 A. They assign.

5 Q. Okay. And so who do you see more,  
6 Miranda Sanchez or Chandra Smith?

7 A. I'm not sure.

8 Q. Okay. Maybe half and half equally?

9 A. I'm not sure.

10 Q. Okay. When's the last time you've  
11 been to Bright Stone or had a visit?

12 A. Every three months I have to engage.  
13 So I'm going to say maybe September would have  
14 been -- huh-uh. It would have been October,  
15 October I would have had to engage.

16 Q. Okay. And do you indicate to them  
17 your current status, your current wellbeing,  
18 and how you're doing and how you're feeling?

19 A. Absolutely.

20 Q. Okay. The same thing with Anne  
21 Hicks?

22 A. Correct.

23 Q. Okay. And would it be correct to say  
24 that you've been seeing the psychiatrists at  
25 Bright Stone since April 2022 up to the present

1 **every three months?**

2 A. No. I've been seeing -- Bright Stone  
3 Psychiatry started in July of 2022.

4 **Q. Okay.**

5 A. That's when I started seeking  
6 additional help; but Anne Hicks would be, yes,  
7 April 2022.

8 **Q. Okay. And how often? Was that the**  
9 **one for every three months, or how often do you**  
10 **see Anne Hicks?**

11 A. No. Anne Hicks, that was  
12 sporadically. So it could be -- I think at one  
13 point we were meeting weekly because we had so  
14 much material and ground to cover. I feel  
15 confident saying that that was for a good year  
16 or so.

17 Right around the time of my  
18 FMLA, I decided to take a break; and it was no  
19 longer healthy for me to continue to engage  
20 with conversations in the workplace because I  
21 needed to disconnect. I needed to disconnect.

22 **Q. Okay. So Bright Stone prescribes you**  
23 **the Vyvanse medication; is that right?**

24 A. That is correct.

25 **Q. Okay. And the one picture that you**

1 produced was a picture of your pill bottle that  
2 was dated December 24th, 2023. Was that the  
3 first time you started taking the medication?

4 A. No.

5 Q. Oh, okay.

6 A. I mean, through this, yes; but, like,  
7 that was a refill.

8 Q. Okay. So then, I guess, you've take  
9 Vyvanse --

10 MR. CONTRERAS: Oh, and for the  
11 record, it's V-Y-V-A-N-S-E.

12 Q. (BY MR. CONTRERAS) Did I get that  
13 right?

14 A. Correct.

15 Q. Okay. And so you had taken this  
16 medication previously in your life, stopped,  
17 and then started taking it again in connection  
18 with the allegations in the lawsuit?

19 A. That is correct.

20 Q. Okay. When did you start taking  
21 Vyvanse in connection with your claims in the  
22 lawsuit?

23 A. So it originally started off as  
24 Adderall, and it would have been July 2022.  
25 And so that was when I first started expressing

1 concerns over my physical safety. And so I  
2 then started seeing psychiatry help to help me  
3 with sort of like my responses and reactions,  
4 and so that is when I did Adderall. And then  
5 there became an Adderall shortage in the  
6 country, and it became very difficult for me to  
7 get that. And so I then switched to Vyvanse,  
8 which is an alternative.

9 And, I mean, the psychiatrist  
10 wanted to put me on antidepressants several  
11 times and advocated for it and I did not want  
12 to go that route. I was a major advocate for  
13 something that would reduce my stimulation,  
14 particularly at work. And so she agreed that I  
15 should take it for the days that I work and  
16 then take a break on the weekends from it. So  
17 that was my sort of like medical management  
18 plan.

19 **Q. Okay. Thank you.**

20 **And so you've been taking**  
21 **Vyvanse -- well, you said you started with**  
22 **Adderall in July 2022; and then when did that**  
23 **switch over to Vyvanse?**

24 **A. I cannot recall that. There was a**  
25 **time -- there was a time where a really big**



1 shortage had happened and I had gone to try and  
2 get a refill and I couldn't and so I couldn't  
3 tell you exactly when that was.

4 **Q. Okay. But you are currently taking**  
5 **Vyvanse presently?**

6 A. Correct.

7 **Q. And is that as needed or is it**  
8 **prescribed that you take, like, one a day; or**  
9 **how does that work?**

10 A. It's typically one a day for the days  
11 that I work, Monday through Friday.

12 **Q. Okay. And Vyvanse, that's for your**  
13 **anxiety, right?**

14 A. Yes, it helps with anxiety.

15 **Q. Okay. Because I thought it was for**  
16 **attention -- ADHD in adults, but that's kind of**  
17 **another way of saying it's treatment for**  
18 **anxiety?**

19 A. Yes. The way that it helps me is it  
20 helps reduce stimulation and reaction and  
21 responses to stimulation. And so, for me, when  
22 I go into the working environment and I'm  
23 sensing, you know, like, anxiety, it helps me  
24 just get a moment to reduce it a little bit and  
25 be able to kind of like go into my office and

1 decompress so I can get the work done. So we  
2 do use it for my anxiety.

3 Q. Okay. Have you been prescribed any  
4 other medication other than -- I think you said  
5 the Adderall and then it switched to Vyvanse.  
6 Any other medications?

7 A. I mean, none relevant to this.

8 Q. Okay. So you take other medications;  
9 but they are not related to your claims in your  
10 lawsuit, right?

11 A. Correct.

12 Q. Okay. And do you have appointments  
13 in the future with any of these healthcare  
14 providers?

15 A. I just had one with my new  
16 therapist -- what's today, Friday? So I maybe  
17 met with her Tuesday or Wednesday in  
18 preparation for this; and then my upcoming one  
19 with Bright Stone should be coming up next  
20 month, in February.

21 Q. Okay. And is there any way you can  
22 tell me how much longer in the foreseeable  
23 future you plan on seeing these healthcare  
24 providers for things that you associate with  
25 your allegations and claims in the lawsuit?

1           A.     I'm not sure. I don't know. I don't  
2 know if I can answer that.

3           Q.     Would it be correct to say, though,  
4 that since Gengler is not there anymore, the  
5 environment is not as hostile as it was at the  
6 time when he was present?

7           A.     I'm not sure how to answer that.

8           Q.     Well --

9           A.     Not as hostile? So it is hostile,  
10 but not as hostile? Is that what we're resting  
11 on?

12          Q.     Well, I mean, the guy that you  
13 testified to was making discriminatory comments  
14 and jokes is no longer in the workplace, right?  
15 And you testified earlier that he was the only  
16 one that was doing that. So would it be fair  
17 to say that with him absent now from the  
18 workplace, gone -- he's not coming back,  
19 clearly; and you can probably rest assured on  
20 that -- does that ease any anxiety or tension  
21 that you have?

22          A.     I would say it does ease, yes. Thank  
23 you for that. I just want to note that it is  
24 still hostile, but I would agree that it is not  
25 as hostile.

1 Q. Okay. Who is hostile towards you in  
2 the workplace? Because, you know, once again,  
3 Gengler's gone; so who is the person that's now  
4 making improper comments based upon your race  
5 or sexual orientation?

6 A. I'm not sure of my right to respond,  
7 but that's redundant. We've, I think, circled  
8 and answered that question about five different  
9 ways.

10 MR. CONTRERAS: Objection --

11 A. And the last time it led me into what  
12 you classified as a tirade. So I'm not sure,  
13 like, how else to respond in answer to that  
14 question (laughing.)

15 Q. (BY MR. CONTRERAS) Well, since  
16 Gengler's departure, has there been anybody  
17 else in the workplace that has made any  
18 improper jokes or comments or -- of course,  
19 including in writing -- that is demeaning or  
20 disparaging towards your race or sexual  
21 orientation?

22 A. As it relates to the case, I very  
23 much isolate myself at work now because I'm not  
24 uncomfortable -- I'm not comfortable engaging  
25 with individuals at work.

1 MR. CONTRERAS: Objection,  
2 nonresponsive.

3 Q. (BY MR. CONTRERAS) Since  
4 Gengler's -- and I just need you to listen to  
5 my question so we can move on. But my question  
6 is: Since Gengler's departure, has anybody  
7 else in the workplace made any comments to you  
8 or jokes or inappropriate remarks that  
9 disparage your race or sexual orientation?

10 A. Yes. We've answered that question,  
11 though.

12 Q. I don't think we have. Who --

13 MS. OWENS: Objection, asked and  
14 answered.

15 Q. (BY MR. CONTRERAS) Who is that  
16 person or persons?

17 A. My attorney...

18 MS. OWENS: He's described  
19 Ms. Davies, who has been quoted in articles,  
20 indicating that Dr. Gooden is a liar. He's  
21 testified to that previously today, and she  
22 went through on knowing -- stating that Mr. --  
23 or Dr. Gooden, who's an African American man,  
24 isn't it suspicious that the reason why he  
25 complained is because he wanted comp time. And

1 I believe she got the timing wrong, which is  
2 why she would make such a accusation or an  
3 allegation.

4 But Dr. Gooden has testified to  
5 this about four times. I've been keeping a  
6 tally on the last time I recall. So he's  
7 testified to this about four times.

8 MR. CONTRERAS: Okay. Well,  
9 let's just leave it at that then.

10 Q. (BY MR. CONTRERAS) If that's the  
11 testimony that you're giving in response to my  
12 answer [sic] I'm going to leave it at that.  
13 But just to summarize in a nutshell, you are  
14 interpreting those representations as being  
15 disparaging towards you based upon your race  
16 and sexual orientation; is that correct?

17 A. That is correct.

18 Q. Okay. And so for these visits, do  
19 you use your health insurance through work?

20 A. I do.

21 Q. Okay. Do you have any other  
22 insurance that you use to cover these visits to  
23 these healthcare providers, or is it all  
24 through your work health insurance?

25 A. All through work.

1 Q. Okay. And so for visits with Bright  
2 Stone Psychiatry, how much is the cost for you  
3 out of pocket per visit?

4 A. It is my co-pay, which might be 30 or  
5 \$40 -- I'm not sure -- and then, of course, the  
6 cost of the prescription.

7 Q. Right, and I saw that. It was \$45 a  
8 bottle?

9 A. I believe you more than me. I didn't  
10 look at that. I just kind of swipe and go,  
11 but...

12 Q. Okay. Does that sound about right,  
13 \$45 out of pocket for a bottle of Vyvanse?

14 A. Correct, that sounds about right.

15 Q. Okay. And how much per visit with  
16 Anne Hicks?

17 A. That goes through my insurance. I do  
18 not have a co-pay.

19 Q. Okay. So you only actually have to  
20 pay out of pocket for Bright Stone Psychiatry,  
21 right?

22 A. Correct.

23 Q. Okay. So from the time you started  
24 seeing healthcare providers at Bright Stone up  
25 to the present, is there any number of visits

1 you can assign to that?

2 A. No, I can't. I'm not sure.

3 Q. Okay. The records would reflect the  
4 number of visits, right?

5 A. I'm sorry. Was that to me?

6 Q. Yes. To you that your medical  
7 records would reflect the number of visits to  
8 Bright Stone Psychiatry?

9 A. Yes, yes. Sorry.

10 Q. Okay. And is there any way you can  
11 you tell me the total cost out of pocket as of  
12 today for your visits to Bright Stone, any  
13 particular monetary amount or estimate?

14 A. I didn't do any sort of -- I'm not  
15 sure. I wasn't prepared for that question.

16 Q. Okay. What about -- I'm sorry?

17 A. I wasn't prepared for that so I  
18 didn't kind of like go through my calendar, you  
19 know.

20 Q. Yeah. Okay. What about for the  
21 medication? Is there any way you can tell me  
22 how many bottles you've paid for of the Vyvanse  
23 medication?

24 A. No. I'm sorry. I don't -- I  
25 can't -- I wouldn't have that information on



1 me.

2 Q. Okay. So in your job at UHD, at any  
3 time have you ever performed any of your work  
4 while physically present outside of state?

5 A. Possibly, yes.

6 Q. Okay. And when was the last time you  
7 did that?

8 A. What is today? This is a question --  
9 I mean, I can't recall.

10 Q. Do you remember how many times that's  
11 been?

12 A. Huh-uh.

13 Q. Currently, what is your work  
14 schedule? Do you have, like, a hybrid work  
15 schedule where you work a couple of days a week  
16 from home and then a couple of days a week on  
17 campus?

18 A. I tend to be more hybrid, yes.

19 Q. Okay. So currently, on average,  
20 during any given week -- well, let's just say  
21 last week, how many days would you have worked  
22 on campus; and how many days would you have  
23 teleworked?

24 A. I'm not sure. I'll have to look at  
25 my calendar; but maybe -- oh, last week?

1 That's a unique week because it was Martin  
2 Luther King; and then we had a freeze, right?  
3 So I think we all -- I'd have to look at my  
4 calendar.

5 Q. Okay. Well, how about: Just  
6 currently during the average week, how many  
7 days do you work on campus; and how many days  
8 do you telework, work from home?

9 A. It could be some -- it varies week to  
10 week. Some days [sic] it could be three out,  
11 two in; two in, three out; four in, one out;  
12 five. It just depends on what's happening that  
13 particular week.

14 Q. Okay. Would it be fair to say that  
15 when you're teleworking, you feel less anxiety  
16 because you're not physically present on  
17 campus?

18 A. That is correct.

19 Q. Okay. So in your lawsuit one of the  
20 things you're asking for is monetary damages.  
21 You understand that, right?

22 A. Yes.

23 Q. What is the total amount of damages  
24 you're seeking for mental anguish and emotional  
25 distress in this lawsuit?

1 A. I would say what the law says and  
2 allows.

3 Q. Okay. So you're unable to give me  
4 even an estimate of how much you're seeking in  
5 monetary damages for mental anguish, pain and  
6 suffering?

7 A. I would lean on what the law says in  
8 terms of that. I'm not sure how to respond  
9 other than that.

10 Q. Since you've maintained your job and  
11 maintained your salary this whole time and even  
12 received raises, you're not requesting any  
13 backpay damages, correct?

14 A. I would say whatever the law allows.

15 Q. Okay. Do you know -- can you tell me  
16 of any other types or forms of monetary damages  
17 you're seeking?

18 A. I would have to say whatever the law  
19 allows. I'm not sure. This is...

20 Q. That's fine.

21 How did you find -- and I don't  
22 want to ask you about any communications with  
23 your attorneys, but I just want to ask you:  
24 How did you come to find Moore & Associates to  
25 represent you in this lawsuit?

1           A.     I think I did a Google search, and  
2 they had popped up. I had engaged, I think,  
3 with maybe, like, two or three attorneys; and  
4 then their office is right up the street from  
5 my office. I can actually see my office from  
6 theirs. And so it made it very easy for  
7 communication, in-person meetings on lunch and  
8 things like that, to be able to go back and  
9 forth between their building and my building  
10 because we're both downtown.

11           **Q.     Okay. And as we sit here today, have**  
12 **you put down any monies or, like, a retainer**  
13 **fee at all; or has it all been by contingency**  
14 **representation?**

15           A.     I believe so. That's very legally  
16 and technical. So I'm not sure, but I believe  
17 the answer is yes.

18           **Q.     Okay. So I guess just to put it in,**  
19 **you know, standard American, have you paid your**  
20 **attorneys any money?**

21           A.     No.

22           **Q.     Okay. Is it your understanding that**  
23 **they only collect if you win your case?**

24           A.     That is my understanding.

25           **Q.     Okay.**

1 MR. CONTRERAS: Can we just take  
2 a quick two-minute break? Then back on the  
3 record; and I should be very, very close to  
4 finishing. Just a two-minute break.

5 THE WITNESS: I would appreciate  
6 that.

7 MS. OWENS: Yeah.

8 MR. CONTRERAS: Thank you.

9 THE REPORTER: We're off the  
10 record at 5:02 p.m.

11 (Off the record from 5:02  
12 to 5:08 p.m.)

13 THE REPORTER: We're back on the  
14 record at 5:08 p.m.

15 MR. CONTRERAS: Sorry. My  
16 camera went out, Guys.

17 MS. OWENS: It's okay.

18 MR. CONTRERAS: You can hear me  
19 okay, though, right?

20 MS. OWENS: Yes.

21 MR. CONTRERAS: Okay. Great.

22 **Q. (BY MR. CONTRERAS) Let me ask you**  
23 **just a couple of questions; and I think we'll**  
24 **be done very, very quickly here.**

25 **Dr. Gooden, what has been your**

1 **contact with the media and press in relation to**  
2 **your allegations in the lawsuit?**

3 A. Yes, I did share some information  
4 with the media and press.

5 **Q. Okay. And, first of all, what**  
6 **information did you share?**

7 A. I mean, I shared with them that there  
8 was an investigation going on and some of the  
9 things that's happening with it.

10 **Q. Okay. Anything else?**

11 A. I guess no.

12 **Q. Okay. And with which, I guess, news**  
13 **media companies or organizations did you --**  
14 **which press companies did you share that**  
15 **information with?**

16 A. I mean, I engaged with a few and  
17 declined others. I'm trying to remember. I  
18 know for sure Inside Higher Ed and The  
19 Chronicle. I did not engage with The College  
20 Fix. There was a news channel who wanted to do  
21 an interview. And I believe GLAD and maybe one  
22 other sort of like national organization --  
23 maybe one or two other organizations.

24 **Q. Okay. And did you provide documents**  
25 **to these organizations; or was it just, like,**

1 through an e-mail where you would communicate  
2 to them what's going on?

3 A. A little bit of both. To validate  
4 that an investigation was happening, I did.

5 Q. Okay. And what -- which documents  
6 did you provide and to who?

7 A. I mean, I can't recall specifically.  
8 I do know that I did share some information  
9 with the Inside, Ryan O'Quinn -- or maybe Ryan  
10 Quinn -- some information; but I can't recall  
11 what specifically. If I shared anything with  
12 The Chronicle, I can't recall. I do know that  
13 I shared information with Inside Higher Ed.

14 Q. Okay. What information did you share  
15 with Inside Higher Ed as far as documents?

16 A. Yeah, again, I can't recall, like,  
17 the specifics of it. I believe they needed  
18 evidence that what I was saying was true; and  
19 so, like, I do remember sending some  
20 attachments to them.

21 Q. Okay. But you don't recall what  
22 those attachments were?

23 A. Not specifically, no. This was a  
24 while ago.

25 Q. Okay. And with all of this press and

1 media, were you the one that initiated contact  
2 with them?

3 A. Most of them, not all of them.

4 Q. Okay. Which news media or press  
5 contacted you and wanted information?

6 A. The College Fix, and I was -- was it  
7 ABC? I can't quite remember the actual news  
8 station, but I happened to be out somewhere  
9 with a correspondent and we were just having a  
10 conversation and it came up there. And they  
11 were like, "We want to interview you." So I  
12 don't think anyone actually, like, approached  
13 anyone. It was just kind of like a natural  
14 conversation that evolved.

15 Q. Okay. But with others, you did  
16 initiate contact; you affirmatively contacted  
17 them through an e-mail or maybe a phone call?

18 A. Correct.

19 Q. Okay. Did you cc your attorney on  
20 those communications?

21 A. I don't know.

22 Q. For example, if you had reached out  
23 to the press or media and sent an e-mail, to cc  
24 your attorney on the e-mail, is that what  
25 you're saying you don't know?



1           A.    No, I don't know. I know that I  
2   communicated with them regarding it; but I  
3   don't know if I actually, like, put their  
4   e-mail in the "cc." Like, I don't know that.

5           **Q.    Okay. Did you provide the**  
6   **preliminary report to any media?**

7           A.    Again, I provided some -- I don't  
8   know if I did or didn't. I don't know. I'm  
9   not sure.

10          **Q.    All right. Well, that did result in**  
11   **at least a few articles being published about**  
12   **your lawsuit or just one, or more?**

13          A.    One more time.

14          **Q.    Your communications with the media**  
15   **resulted in at least one news article about**  
16   **your lawsuit, right?**

17          A.    At least one, correct, yes.

18          **Q.    Okay. And do you recall the name of**  
19   **that media outlet or that newspaper?**

20          A.    So, I mean, the two are The Houston  
21   Chronicle and Inside Higher Ed.

22          **Q.    Okay. And Inside Higher Ed is kind**  
23   **of more of a scholarly publication for**  
24   **academics, right, not necessarily for the**  
25   **general public?**

1           A.     I don't know if it's more scholarly.  
2     I think they just focus on issues related to  
3     higher education. Well, higher ed, like,  
4     that's their industry; but I don't know if  
5     they're more scholarly.

6           **Q.     Okay. But, obviously, it's more**  
7     **focused on individuals in higher ed, right?**

8           A.     Correct.

9           **Q.     Okay.**

10          A.     Yes.

11          **Q.     And did you send any documents to any**  
12     **media via e-mail; or was it, like, you just**  
13     **sent paper copies in an envelope?**

14          A.     It would have been via e-mail.

15          **Q.     Okay. But, once again, as we sit**  
16     **here today, you don't recall what specific**  
17     **documents you sent them?**

18          A.     I do not, not off the top of my head  
19     definitively.

20          **Q.     Okay. Did anybody at the university**  
21     **encourage you to initiate contact with the**  
22     **media to get your lawsuit out there to the**  
23     **public, or was it something --**

24          A.     No.

25          **Q.     -- that it was your own idea?**

1 A. It was my idea.

2 Q. Okay. Did you produce any of the  
3 news articles in discovery?

4 A. I would have to ask my attorney.

5 Q. Okay. If I do a search online, would  
6 I be able to -- if I looked up Carlos Gooden,  
7 do you think something would come up on Google  
8 about your lawsuit?

9 A. Yes.

10 Q. Okay. All right. And you said that  
11 you were -- you've got at least one interview  
12 by a reporter about your lawsuit?

13 A. Correct.

14 Q. Okay. Just once?

15 A. Right. I did not engage.

16 Q. Okay. And who was that interview  
17 with? Do you remember the name of the  
18 reporter?

19 A. I do not. And I honestly don't even  
20 know if it was, like, ABC or Fox. Man, that  
21 was a while ago; but it was that. Huh-uh.

22 Q. Okay. Let's see.

23 Have you understood all of my  
24 questions today?

25 A. Not all of them, but I think we made

1 it through (laughing.)

2 Q. Yes. I mean, you've understood my  
3 questions except for the ones that you  
4 indicated that you did not understand, right?

5 A. Sure.

6 Q. Have you answered all of my questions  
7 truthfully and to the best of your ability?

8 A. Yes.

9 Q. Are there any answers to any of my  
10 questions that you would like to change at this  
11 time?

12 A. No.

13 Q. Okay. Thank you.

14 MR. CONTRERAS: Pass the  
15 witness.

16 MS. OWENS: We'll reserve our  
17 questions until the time of trial.

18 Thank you.

19 THE REPORTER: Ms. Owens, would  
20 you like to purchase a copy of the transcript?

21 MS. OWENS: No. I would like a  
22 read and sign.

23 THE REPORTER: Okay. This  
24 concludes --

25 MS. OWENS: And with respect --

1 THE REPORTER: I'm sorry.

2 MS. OWENS: Excuse me.

3 And with respect to the  
4 exhibits, can you make sure you notate the  
5 Bates numbers in the exhibits?

6 THE REPORTER: I will pass that  
7 request along to my office. I don't handle the  
8 production of the transcript.

9 MS. OWENS: Thank you.

10 THE REPORTER: This concludes  
11 the position at 5:18 p.m.

12 (Deposition concluded at 5:18 p.m.)

13 --ooOoo--

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CHANGES AND SIGNATURE

WITNESS NAME:		DATE OF DEPOSITION:
CARLOS GOODEN		January 26, 2024
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1 I, CARLOS GOODEN, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted herein.

4  
5 \_\_\_\_\_  
6 CARLOS GOODEN

7  
8 THE STATE OF \_\_\_\_\_ )

9 Before me, \_\_\_\_\_, on  
10 this day personally appeared CARLOS GOODEN, known to me  
11 (or proved to me under oath or through \_\_\_\_\_)  
12 (description of identity card or other document) to be  
13 the person whose name is subscribed to the foregoing  
14 instrument and acknowledged to me that they executed  
15 same for the purposes and consideration therein  
16 expressed.

17 Given under my hand and seal of office on  
18 this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

19  
20  
21 \_\_\_\_\_  
22 NOTARY PUBLIC IN AND FOR  
23 THE STATE OF \_\_\_\_\_  
24 My Commission Expires: \_\_\_\_\_  
25

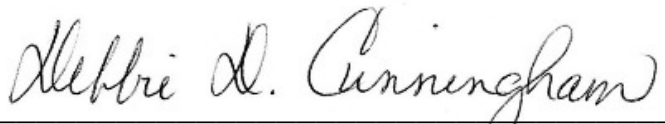
## REPORTER'S CERTIFICATION

I, DEBBIE D. CUNNINGHAM, CSR, hereby certify that the witness was duly sworn and that this transcript is a true record of the testimony given by the witness.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

I further certify that pursuant to FRCP Rule 30(f)(1) that the signature of the deponent was requested by the deponent or a party before the completion of the deposition and that the signature is to be before any notary public and returned within 30 days from date receipt of the transcript. If returned, the attached Changes and Signature Page contains any changes and the reasons therefore.

Subscribed and sworn to by me this day, February 1, 2024.



Debbie D. Cunningham, CSR  
Expiration: 6/30/25  
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